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Secretary of State

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# IS REGISTER

## Rules of Governmental Agencies

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## INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

## REGISTER PUBLICATION SCHEDULE 1990

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990	June 26, 1990	July 3, 1990	28	July 13, 1990
Dec. 26, 1990	Jan. 2, 1990	2	Jan. 12, 1990	July 3, 1990	July 10, 1990	29	July 20, 1990
Jan. 2, 1990	Jan. 9, 1990	3	Jan. 19, 1990	July 10, 1990	July 17, 1990	30	July 27, 1990
Jan. 9, 1990	Jan. 16, 1990	4	Jan. 26, 1990	July 17, 1990	July 24, 1990	31	Aug. 3, 1990
Jan. 16, 1990	Jan. 23, 1990	5	Feb. 2, 1990	July 24, 1990	July 31, 1990	32	Aug. 10, 1990
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Jan. 30, 1990	Feb. 6, 1990	7	Feb. 16, 1990	Aug. 7, 1990	Aug. 14, 1990	34	Aug. 24, 1990
Feb. 6, 1990	Feb. 13, 1990	8	Feb. 23, 1990	Aug. 14, 1990	Aug. 21, 1990	35	Aug. 31, 1990
Feb. 13, 1990	Feb. 20, 1990	9	Mar. 2, 1990	Aug. 21, 1990	Aug. 28, 1990	36	Sept. 7, 1990
Feb. 20, 1990	Feb. 27, 1990	10	Mar. 9, 1990	Aug. 28, 1990	Sept. 4, 1990	37	Sept. 14, 1990
Feb. 27, 1990	Mar. 6, 1990	11	Mar. 16, 1990	Sept. 4, 1990	Sept. 11, 1990	38	Sept. 21, 1990
Mar. 6, 1990	Mar. 13, 1990	12	Mar. 23, 1990	Sept. 11, 1990	Sept. 18, 1990	39	Sept. 28, 1990
Mar. 13, 1990	Mar. 20, 1990	13	Mar. 30, 1990	Sept. 18, 1990	Sept. 25, 1990	40	Oct. 5, 1990
Mar. 20, 1990	Mar. 27, 1990	14	Apr. 6, 1990	Sept. 25, 1990	Oct. 2, 1990	41	Oct. 12, 1990
Mar. 27, 1990	Apr. 3, 1990	15	Apr. 13, 1990	Oct. 2, 1990	Oct. 9, 1990	42	Oct. 19, 1990
Apr. 3, 1990	Apr. 10, 1990	16	Apr. 20, 1990	Oct. 9, 1990	Oct. 16, 1990	43	Oct. 26, 1990
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Apr. 17, 1990	Apr. 24, 1990	18	May 4, 1990	Oct. 23, 1990	Oct. 30, 1990	45	Nov. 9, 1990
Apr. 24, 1990	May 1, 1990	19	May 11, 1990	Oct. 30, 1990	Nov. 5, 1990	46	Nov. 16, 1990
May 1, 1990	May 8, 1990	20	May 18, 1990	Nov. 5, 1990	Nov. 13, 1990	47	Nov. 26, 1990 (Mon.)
May 8, 1990	May 15, 1990	21	May 25, 1990	Nov. 13, 1990	Nov. 20, 1990	48	Nov. 30, 1990
May 15, 1990	May 22, 1990	22	June 1, 1990	Nov. 20, 1990	Nov. 27, 1990	49	Dec. 7, 1990
May 22, 1990	May 29, 1990	23	June 8, 1990	Nov. 27, 1990	Dec. 4, 1990	50	Dec. 14, 1990
May 29, 1990	June 5, 1990	24	June 15, 1990	Dec. 4, 1990	Dec. 11, 1990	51	Dec. 21, 1990
June 5, 1990	June 12, 1990	25	June 22, 1990	Dec. 11, 1990	Dec. 18, 1990	52	Dec. 28, 1990
June 12, 1990	June 19, 1990	26	June 29, 1990	Dec. 18, 1990	Dec. 24, 1990	1	Jan. 4, 1991
June 19, 1990	June 26, 1990	27	July 6, 1990	Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



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OFFICE OF THE STATE FIRE MARSHAL  
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Policy and Procedures Manual for Fire Protection Personnel.

2) Code citation: 41 Ill. Adm. Code. 140

3) Section numbers: Proposed Action:

140.2 Amendment  
140.8 Amendment  
140.12 Amendment  
140.13 Amendment  
140.15 Amendment  
140.20 Amendment  
140.40 Amendment  
140.50 Amendment  
140.55 Amendment  
140.60 Amendment  
140.65 Amendment  
140.70 Amendment  
140.80 Amendment  
140.90 Amendment  
140.130 Amendment  
140.140 Amendment  
140.150 Amendment  
140.160 Amendment  
140.171 Amendment  
140.180 Amendment  
140.185 Amendment  
140.190 Amendment  
140.200 Amendment  
140.210 Amendment  
140.215 Amendment  
140.220 Amendment  
140.230 Amendment  
140.240 Amendment  
140.250 Amendment  
140.260 New Section  
140.290 Amendment  
140.325 Amendment  
140.390 Amendment

4) Statutory Authority: Implementing and authorized by Section 8 and 11 of the Illinois Fire Protection Training Act (Ill. Rev. Stat. 1979, ch. 85, pars. 538 and 541), and AN ACT relating to Fire Protection in certain areas" (Ill. Rev. Stat. 1979, ch. (127 1/2, par. 301 et seq.).

OFFICE OF THE STATE FIRE MARSHAL  
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5) A Complete Description of the Subjects and Issues Involved: These amendments update programmatic areas to current consensus standards. The Hazardous Materials area has been amended to comply with Federally imposed rules; these changes will implement a state program which will assist local governments to comply with the Federal Requirements. Some funding hours have been changed to better reflect the time necessary for these concerns.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? Yes.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: These programs are voluntary with units of local government and do not impose any mandates.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit written comments within 30 days to:

Glenna Senger, Deputy State Fire Marshal  
Personnel Standards & Education  
Office of the State Fire Marshal  
1035 Stevenson Drive  
Springfield, Illinois 62703-4259  
(217) 782-4542

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 5, 1990

B) Types of small businesses affected: Some small municipalities participate in these programs.

C) Reporting, bookkeeping or other procedures required for compliance: Same as under previous rules. Training records must be maintained.



## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

- D) Types of Professional skills necessary for compliance: Same as under current rules; no special professional skills needed.

The full text of Proposed Rule(s) begins on the next page:

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF PROPOSED AMENDMENTS

TITLE 41: FIRE PROTECTION  
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

## PART 140

POLICY AND PROCEDURES MANUAL  
FOR FIRE PROTECTION PERSONNEL

Section	Authority Notes
140.1	Definitions
140.2	Applicability of Part 140
140.3	Program Goals (Repealed)
140.4	State Examinations
140.8	Division Responsibilities (Repealed)
140.10	Resources Required for Certification as a Provisionally Approved Training Facility
140.11	Resources Required for Certification as an Unlimited Training Facility or Regional Training Center
140.12	Certificates Earned by Bypass Examination
140.13	Course Approval
140.15	Examination Procedures for End-of-Course Exams Not Administered by the Office
140.16	Requirements for Participation
140.20	Course Approval Standards
140.25	Developmental Sequence (Repealed)
140.30	Certified Firefighter I
140.40	Certified Firefighter II
140.50	Airport Firefighter
140.55	Certified Firefighter III
140.60	Certified Fire Apparatus Engineer
140.65	Fire Officer I
140.70	Fire Officer II
140.80	Fire Officer III
140.90	Instructor (Repealed)
140.100	Interim Instructor
140.110	Special Instructor (Repealed)
140.120	Fire Service Instructor I
140.130	Fire Service Instructor II
140.140	Fire Service Instructor III
140.150	Fire Service Instructor IV
140.160	Airport Firefighter (Repealed)
140.170	Fire Prevention Officer I
140.171	Fire Prevention Officer II
140.180	Fire Prevention Education Officer III
140.185	Fire Prevention Education Officer III
140.190	Bypass Examination
140.200	Fire Investigator
140.210	Arson Investigator
140.215	Fire Prevention Inspector II
140.220	Fire Prevention Inspector III



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Section 140.230	Hazardous Materials #First Responder (HM I)
140.240	Hazardous Materials #Technician (HM II)
140.250	Hazardous Materials #Specialist (HM III)
140.260	Chemistry of Hazardous Materials
140.290	Hazardous Materials Refresher Training
140.300	Rules and Regulations for Reimbursement Funding
140.305	Prerequisites for Participation for Reimbursement Funding
140.310	Requirements
140.315	Claim Forms
140.320	Claim Deadline
140.325	Amount of Reimbursement
140.350	Appropriations
140.360	Advanced Training Programs
140.370	Funding Hours (Repealed)
140.380	Prerequisites Necessary to Qualify an Individual for Reimbursement Funding (Repealed)
140.390	Ad Hoc Committees
140.400	Invalidation of a Student's State Examination Score

**AUTHORITY:** Implementing and authorized by Sections 8 and 11 of the Illinois Fire Protection Training Act (Ill. Rev. Stat. 1985, ch. 85, pars. 538 and 541), and "AN ACT Relating to fire prevention, amending certain Acts herein named" (Ill. Rev. Stat. 1985, ch. 127 1/2, par. 501).

**SOURCE:** Adopted at 3 Ill. Reg. 37, p. 168, effective September 15, 1979; codified at 5 Ill. Reg. 10681; emergency amendment at 6 Ill. Reg. 7551, effective June 16, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 8474, effective July 1, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 2336, effective February 16, 1983; amended at 7 Ill. Reg. 12994, effective September 23, 1983; amended at 10 Ill. Reg. 4231 effective February 10, 1986; amended at 11 Ill. Reg. 17108, effective October 8, 1987; amended at 11 Ill. Reg. , effective

## Section 140.2 Definitions

Definitions are those which follow, unless the context requires otherwise:

"Fire Brigade" is an entity, privately owned, possessing those resources necessary for fire suppression in their own premises.

"Fire Department" is an entity, public or private, possessing those resources necessary for fire administration, fire prevention, fire suppression, fire education and arson investigation.

"FIRE PROTECTION PERSONNEL" AND "FIREFIGHTER" MEAN ANY PERSON ENGAGED IN FIRE ADMINISTRATION, FIRE PREVENTION, FIRE SUPPRESSION, FIRE EDUCATION AND ARSON INVESTIGATION, INCLUDING ANY PERMANENTLY EMPLOYED TRAINEE OR VOLUNTEER FIREFIGHTER, WHETHER OR NOT SUCH PERSON, TRAINEE OR VOLUNTEER IS COMPENSATED FOR ALL OR ANY FRACTION OF HIS/HER TIME. (Section 2 of the Act)

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"Fire Service experience" is defined as fire suppression training, fire administration, fire investigation or fire prevention experience in a fire department excluding clerical and non-sworn or non-uniform personnel.

"IFSTA" means International Fire Service Training Association, Oklahoma State University, Stillwater, Oklahoma 74074; pamphlet or standard number will appear after the abbreviation and the edition will appear in parentheses. Where standards are incorporated by reference in this Part, the incorporated material does not include any later editions or amendments.

"Local governmental agency" means any local governmental unit or municipal corporation in this State.

"Maximum reimbursable funding" means the number of hours for which the office will reimburse for training of an individual; this is in addition to tuition and other fees as later described in these rules.

"Member" is an individual employed by a fire department or fire brigade to carry out assigned duties, whether or not that person is compensated for all or any fraction of their time.

"NFPA" means National Fire Protection Association, Batterymarch Park, Quincy, Mass. 02269; pamphlet or standard number will appear after the abbreviation and the edition will appear in parentheses. Where standards are incorporated by reference in this Part, the incorporated material does not include any later editions or amendments.

"Office" means the Office of the State Fire Marshal.

"School" means any school located within the State of Illinois, whether privately or publicly owned, which offers a course in fire protection training or related subjects and which has been approved by the Office.

"Trainee" means a recruit firefighter required to complete initial minimum basic training requirements at an approved school to be eligible for permanent employment as a firefighter.

(Source: Amended at Ill. Reg. , effective )

## Section 140.8 State Examinations

Except as otherwise noted in these rules, all State written examinations will be developed, provided, and administered by Office personnel. Local instructors desiring to schedule state examinations should contact the Office



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to establish a time and place for the examination. While the Office will endeavor to schedule examinations at sites throughout the State as requested, the number of examination requests may necessitate delays and regional testing. Instructors requesting the State examinations be given should have facilities for the examination. When large numbers of persons are to be tested, Office personnel may request additional assistance of the facility or fire department in monitoring the administration of a test.

- a) Class rooms, lecture rooms, municipal and fire protection department training rooms shall be acceptable facilities provided that space is available for the number of persons requesting to take the examination; desks or tables and chairs shall be provided by the examination center. The room in which the examination is to be given shall be a room customarily used for quiet activities and not subject to loud noise or other activities nearby which might interfere with the need for a quiet area for taking written examinations. Students must be spaced to ensure that they cannot readily observe another's answer sheet. The following specifications for the facility and the administration of the exam must be adhered to:

- 1) Candidates not present in the room at the time the proctor starts the exam will be disqualified from taking the exam.
- 2) There can be nothing on the walls at test site that could pertain to exam questions.
- 3) Test administrator must be provided a table at least 6 feet in length.
- 4) Loudspeakers, monitors, portable radios and beepers must be turned off.
- 5) The department hosting the test must supply a representative from the department at the test site during the exam. This will be the only representative of the department allowed in the test room at the time of the test.
- 6) Test site must have toilet facilities in proximity in the same building.
- 7) All candidates must be in clear view of the proctor's table.
- 8) Copies of Emergency Medical Technician (EMT) or Paramedic cards must be supplied prior to the start of the exam, or can be mailed to Division Office the day after exam is given.
- 9) The test site must have temperature control for comfort of candidates.

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- c) State certifications for qualified fire service personnel may be awarded to individuals employed both by local governmental agencies and to State of Illinois employees, after successful completion of all requirements.

- d) Procedure to Request State Administered Certification Exam. At least 30 days prior to the anticipated day for testing at a given fire department or school, the instructor and fire chief will submit to the Office the Office shall be in receipt of a completed form entitled "Request for Examination", signed by the Fire Chief and the Certified Instructor, which will attest to the fact that each individual has:

- 1) A documented learning experience in each of the subject areas of the course required;
  - 2) Satisfactory scores on all local examinations; and
  - 3) Demonstrated a proficiency in all of the skill requirements identified for the level of certification by having been observed and evaluated by a Certified Instructor (of the proper level) and a Fire Officer in the accomplishment of these skills; and local records are maintained which contain copies of the evaluator's checklist and evaluation for each candidate.
- e) No person will be allowed to take the written examination for State certification without having completed all of the above requirements. End-of-subject written examinations of fire departments and community colleges which show satisfactory learning experiences and scores are recognized as satisfying the learning experience requirements.
  - f) Persons who have not met all prerequisites listed in (d) above, will not be examined. Nor will persons who are ill, or obviously under the influence of drugs or alcohol, persons on duty who may be called out during the examination, and persons who have not met all prerequisites will not be examined. In making the determination of such impairment, the Office will consider, but is not limited to, observation of demeanor, slurred speech, odor of alcohol, general behavior and other considerations that would benefit in making such determination.



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Persons should be advised at the beginning of the examination that no one will be allowed to leave the room before completing the examination except in an emergency, and then only one at a time. The examination begins after the proctor has read the instructions, at which time all discussion will cease. Candidates will not be permitted to speak to each other or to the proctor, and all instructions to the candidates contained in the proctor instructions will be followed. The proctor will begin the examination with the words "you may begin" and the examination will end with the proctor announcing "you are to stop now".

h) Results of examinations taken for the purpose of state certification will be retained in the individual training record file maintained for each individual in the Office. All participants who receive certification will have notification of successful completion sent to their training-officer-and-department.

i) No person shall be re-examined without further documented learning experiences in each of the subject areas. To retake a level of state certification written exam within 12 months of the date of the original examination does not require a re-examination of the manipulative skills portion. In case of failure, individuals must wait 60 days before retaking the state written examination of any that level. The battery of examination to be given will be determined by the Office. A Request for Examination Form is required with attestation statement, as required for the original examination, showing proof that the individual has had the required additional learning experience before re-examination. There is no limit set by the Office for the number of times that an individual may take the written portion of a state certification examination. However, no individual may take the written portion of a state certification examination more than 5 times within twelve months. If the written portion of the examination is not successfully completed within 12 months of the date of the practical examination, the candidate will be required to retake the practical examination. If firefighters from a given fire department experience excessive or repeated failures of firefighter examinations, the Training Officer and/or Fire Chief of the department are encouraged to visit the division offices to discuss the department's training program.

(Source: Amended at Ill. Reg. , effective )

#### Section 140.12 Resources Required for Certification as an Unlimited Training Facility or Regional Training Center

In order to qualify for Unlimited Facility Certification, a training facility center must possess, or have readily available for use, the following facilities, apparatus, equipment, reference material, established records, procedures and staff:

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## a) Facilities:

- 1) Training tower, not less than two stories in height, for use as a training structure for ladder evolutions, rescue drills, hose advancement and rope work;
- 2) Classroom with adequate environmental control and seating capacity for the anticipated trainee population (not adequate means obvious unsuitability, complaints received and other factors deemed relevant by the Office);
- 3) Forcible entry and ventilation drill facilities, including a means of providing the trainee an opportunity to practice opening a variety of doors, windows, roofs, floors and partitions that are representative of the type and construction found in the community;

4) A smoke and fire room or building suitable for containing, and equipped for simulating, fire atmospheres and conditions. Any or all of these facilities may be combined into one structure; and

5) Facilities for conducting live fire training (by permission and within restrictions of environmental control agencies) and rescue which must include:

- A) Structural fires;
- B) Flammable Liquid fires;
- C) LP and natural gas fires; and
- D) Automobile fires.

## b) Apparatus:

Pumper apparatus, fully equipped as prescribed in NFPA No. 1901 (1985), "Automotive Fire Apparatus".

## c) Equipment:

- 1) All current types and classes of portable fire extinguishers;
- 2) Forcible entry tools such as: pry-axe, pick head axe, pike pole, wrecking bar, hatchet, wire and bolt cutters, claw and Kelly tool, crow bar, Halligan tool, manual and power saws and jacks;



## OFFICE OF THE STATE FIRE MARSHAL

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- 3) Ropes of assorted lengths, which can be used for rescue, rappelling and practicing knots and lashings;
- 4) All equipment specified by NFPA No. 1901 (1985);
- 5) Salvage and overhaul equipment including covers, carry-alls, cleaning and patching equipment and sprinkler kits;
- 6) Self-contained breathing equipment in sufficient numbers to enable each student to wear the equipment for at least the life of one canister or breathing air tank during his training;
- 7) Standard first-aid supplies for the teaching of the Standard American Red Cross first aid course or its equivalent;
- 8) Slide and/or overhead projector and a 16mm movie projector and screen;
- 9) Standard classroom equipment: chalk board, speaker's rostrum;
- 10) Protective clothing (one full set for each student) including the structural helmet with a face shield. (Students should provide their own clothing while training at a facility other than their duty station); and
- 11) Other instructional aids as may be needed such as, cutaways of equipment, models, flip charts.

## d) Records and Established Procedures

An established system of records maintenance that includes:

- 1) Training records which reflect who was trained, subject objectives of subject taught, relating to Instructor Reference Manual, by whom, how, when and where conducted.
- 2) A system of evaluating the effectiveness of the class, the instructor and all participants including:
  - A) Testing technique utilized; oral, written, practical or combination; and
  - B) Performance appraisal and evaluation: ranking, factor comparison, grading, graphic rating scale, checklist.
- 3) Individual training records which show when each person began training in each subject area, individual to whom responsible,

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- 4) Records of training. The Office shall approve training records which contain the following:

- A) Location of training
- B) Dates of training
- C) Name of Instructor=signature
- D) Signature/initials of trainee
- E) Academic practical training record
- F) Subject training record
- G) Receipts of training

- e) One or more persons who have been certified by the Office as an instructor for the level of training being conducted.

(Source: Amended at Ill. Reg. , effective )

## Section 140.13 Certificates Earned by Bypass Examination

Certification at certain level is the level of Fire Prevention Officer I and Fire Investigator or Arson Investigator may be achieved after successful completion of a "Bypass Examination" in lieu of meeting the prerequisite of Firefighter II or Firefighter III where required. The use of the Bypass Examination is limited to personnel not identified as fire protection agency personnel. No person employed by a local governmental agency who has current fire suppression responsibilities as a firefighter, fire officer, or fire service instructor shall be able to take a Firefighter By-Pass examination.

If an individual is assigned to fire department suppression duties at a later date, they must take and pass the Firefighter II exam before proceeding with advanced certifications.

(Source: Amended at Ill. Reg. , effective )

## Section 140.15 Course Approval

All organizations, institutions, fire departments, colleges and companies wishing to offer courses leading to certification must submit a "Course Approval Form" to the Office according to the following schedule:

- a) Fire Departments:



## OFFICE OF THE STATE FIRE MARSHAL

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- A) A new Fire Chief is employed, or.
- B) Additional, course or courses are added to the training schedule
- 2) Forms are due July 1 and must be renewed by December 31 of the fifth year following approval. Approvals not renewed by December 31 will not be approved for that fiscal year. Reimbursement funding and examinations will not be honored until the course approval is renewed the following fiscal year.
- 3) Approvals will be granted on a fiscal year calendar. Fiscal years end on June 30.
- b) Colleges, organizations, institutions and companies:
  - 1) "Course Approval Form" must be submitted once each five years with accompanying materials:
  - A) appropriate course correlation form
  - B) syllabi and course content; end of course exam; name and credentials of instructor
  - 2) Course approval extension forms may be used for the next four years if no changes are made in previously approved course.
  - c) Course completion rosters must be submitted to Office listing individuals who successfully completed course.
  - ed) The Office reserves the right to monitor and evaluate the delivery of all Approved Courses, including the following requirements.
    - 1) Provide for records of student attendance; i.e., a minimum of 80 per cent is required, and for student evaluations of the course.
    - 2) Maintain all financial records for a minimum of five years after the conclusion of the course.
    - 3) The length of time required to retain training records should be determined by the local government based on their Records Retention schedule, but must be retained for at least five years for audit purposes.
    - 3d) Maintain complete student records of course completion and test scores.

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- A) If a course involves college credit, the student's transcript is the complete student record.
- B) If a course is non-credit, the delivering agency shall obtain a written student waiver-of-privacy and shall provide complete student records to the Division at the completion of the course.
- 45) Allow Division personnel to observe and monitor all approved courses to assure agreement compliance and compliance with State rules.
- ed) The Office may revoke course approvals if an agency is found to be in violation of course approval requirements or requirements contained elsewhere in these rules. In determining whether to revoke, the Office shall consider the seriousness or frequency of the offenses.

(Source: Amended at Ill. Reg. , effective )

## Section 140.20 Requirements for Participation

All local governmental agencies and individuals may elect to participate in the training and certification program of the Office, subject to the rules and regulations of the Office. Units of local government and individuals may elect to participate for certification only, or for certification and reimbursement for training expenses as described in the Illinois Fire Protection Training Act (Ill. Rev. Stat. 1985, ch. 85, par. 531 et. seq.)

- a) The local government agency must pass an Ordinance agreeing to participate if reimbursement funding is to be sought.
  - 1) The Office will provide the governing body with a copy of a model Ordinance upon request.
  - 2) For participation for reimbursement funding each local governmental agency must pass an Ordinance requiring trainees to be certified at the Firefighter II level by the end of their probationary period. The ordinance must state the length of the probationary period. A certified copy of the required Ordinance must be sent to the Office.
- A) Local governmental agencies under the Illinois Municipal Code, Ill. Rev. Stat. 1987, Ch. 24, sections 10-1-7 and 10-2.1-4, are limited to probationary periods not to exceed one year for all firefighters except those having paramedic duties.



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**BA)** All local governmental agencies which participate for reimbursement funding and file a certified copy of the required Ordinance shall be eligible for reimbursement funding from the date a certified copy of the Ordinance is received by the Office. Reimbursement funding for trainees and permanent fire protection personnel will be paid only for courses begun after the date of the receipt of the certified copy of Ordinance.

**CB)** Failure of any trainee to complete such basic training and certification within the required period will render that individual and local governmental agency ineligible for reimbursement funding for basic training for that individual in the fiscal year in which his/her probationary period ends. The individual may later become certified without reimbursement.

**3)** Personnel who are department members prior to the date of the Ordinance are not required by the Office to become certified as Firefighter II but may do so on a voluntary basis. Reimbursement funding is available for such training for three years from the date that a certified copy of the Ordinance is filed with the Office.

**4)** Individuals may receive reimbursement for training costs if employed by a unit of local government which participates for reimbursement funding and the individual is otherwise eligible. Such reimbursement is limited to out-of-pocket expenses not paid or reimbursed, in whole or in part, by a local governmental agency.

**5)** Individuals and departments may participate in all aspects of the programs for certification without passing the Ordinance. The Ordinance is required, however, to qualify an agency to receive reimbursement funding.

**6)** The Board of Police and Fire Commissioners, or the Civil Service commission, or the local department of personnel or any other department or commission charged with the authority to make rules and regulations concerning Firefighter II certification, must file a copy of their rules which require such certification prior to commencing regular employment as a firefighter with the Office. Any subsequent changes to the rules must be sent to the Office.

**b)** Facility approval

**1)** A department must have a Provisionally Approved Training Facility to offer Firefighter I and II training. See Section 140.11.

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**2)** A department must have an Unlimited Approved Training Facility to offer Firefighter III training. See Section 140.12.

**3)** A department must have Unlimited Facility Approval to operate as a regional training center.

**4)** A department may use the facilities of a regional training center or the Illinois Fire Service Institute for approved firefighter training.

**c)** Instructor Certification. See Sections 140.110, 140.130, 140.140, 140.150 and 140.160.

**d)** Course Approval. See Section 140.15.

(Source: Amended at Ill. Reg. , effective )

## Section 140.40 Certified Firefighter I

The Certified Firefighter I program is designed as an intermediate step in the Firefighter II program which is defined by the Office as the basic training requirement for fire protection personnel, and is also equivalent to the Firefighter I level identified in NFPA 1001 (1987).

**a)** Prerequisites. A candidate for Firefighter I certification must be employed in Illinois as a fire protection person or trainee.

**b)** Funding. A maximum of 150 hours is available for reimbursement funding. The Office will fund this level of training only one time. Individuals whose status is not affected by the passage of the Ordinance required in Section 140.20 (i.e., fire protection personnel who are not required by the Office to pass the Firefighter II examination) qualify for reimbursement funding for two years from the date of the passage of the Ordinance.

**c)** No specific requirement in terms of hours of training or fire service experience is required; however, no person may take the State written examination for Firefighter I certification until the local Instructor and the Fire Chief sign the Request for Examination Form.

**d)** Instructor Requirements. The Certified Firefighter I course must be taught by a Fire Service Instructor I, or above, or an Interim Instructor.

**e)** Facility Certification and Delivery Systems

**1)** Minimum facility requirements for this level of instruction are that of a Certified Provisional Facility. (See Section 140.11).



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Agency Notes:--Depth and coverage of the subjects listed varies for each firefighter level.

f) Curriculum will consist of a course or courses covering the knowledge and skill objectives and depth of coverage as listed in NFPA 1001 Firefighter Professional Qualifications, 1987 edition, Chapter 3. This standard is incorporated by reference and includes no later standard or edition.

g) State Certification Practical Skills Examination

1) Local fire departments are responsible for the practical skills test of firefighters prior to the administration of the written examination for certification. The depth of the practical skills testing is determined by the Training Officer and successful completion of such tests are a prerequisite before any written examination for certification is administered. Records and documented proof of such tests must be maintained by the fire department training officer.

A) Fire Chiefs are to acquire the identified equipment or to improvise where specific equipment is not available in the fire department or the mutual aid area to provide parallel learning experiences. If every possible effort is exhausted, the Office will, at the request of the Fire Chief, substitute a local requirement, where the practical skills to be tested are contrary to local policy.

B) All practical skill examinations, including overall end-of-course examinations, need not test every evolution and/or skill. The examinations must, however, satisfy the Training Officer, etc., that the candidate is able to perform proficiently in the individual areas. The examination must encompass each subject area, and a random sampling of the person's skills must include at least one-third (1/3) of the required evolutions.

2) Concurrent Work-Training Evaluation

A) Work which can be identified by the Training Officer as correlating with the training requirements can be counted as a training experience for purposes of reimbursement and certification. Records must be maintained and student evaluations conducted.

B) The work activity does not qualify, or ceases to qualify as a learning experience when:

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2) See Course Approval, Section 140.15.

f) Curriculum-Subject Headings---The course consists of 22 specific knowledge and skill objectives as identified below:

1) General Orientation

2) Fire Behavior

3) Portable Fire Extinguishers

4) Tools and Equipment

5) Self-Contained Breathing Apparatus (S-C-B-A)

6) Ladders

7) Fire Hose, Nozzles and Appliances

8) Personal Safety

9) Ropes

10) Emergency Medical Care

11) Water Supply

12) Forcible Entry

13) Overhaul

14) Fire Streams

15) Ventilation

16) Rescue

17) Communications

18) Sprinkler Systems

19) Salvage

20) Fire Inspections

21) Fire Cause and Origin

22) Hazardous Materials



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- i) The student has demonstrated the required knowledge and skill for the subject area on a previous occasion; or,
- ii) The student is left to perform the task without the immediate supervision of a qualified instructor.

- 1) A maximum of 300 hours is available for reimbursement funding. The Office will fund this level of training only one time.

3) Fire Suppression-Actual Firefighting

- 2) Individuals whose status is not affected by the passage of the Ordinance required in Section 140.20 (i.e., fire protection personnel who are not required to pass the Firefighter II examination due to the date of passage of the Ordinance) qualify for reimbursement funding three years from the date of the passage of the Ordinance.

The only activity required in the area of fire suppression as a specific skill, and which is required by NFPA 1001, (1987) Firefighter Professional Qualifications, applies to all levels of firefighters and requires the firefighter to demonstrate manipulating a nozzle to attack at least two live fires, including a Class A and Class B fire. This function is not reimbursable, since it is virtually impossible to conceive of an actual fire situation (other than a practice fire) at which a Certified Instructor and a Fire Officer who are not involved in the actual fire suppression, would be independently evaluating the trainee's performance in the accomplishment of this requirement. If, however, in the opinion of the Company Officer, or other persons designated by the Fire Chief or Certified Instructor, the firefighter has satisfied this requirement during an actual fire suppression activity, it is not necessary to reconstruct another fire and require that the person again perform this activity. The qualified observers may sign the individuals training record, indicating that the trainee has satisfied this requirement. This is not an activity which is measured in terms of elapsed time of performance.

- h) State Certification Written Examination. To be certified as a Firefighter I, candidates must take and pass the State examination. See Section 140.8.

(Source: Amended at Ill. Reg. , effective )

Section 140.50 Certified Firefighter II

The Illinois Firefighter II program is equivalent to the Firefighter II level identified in NFPA 1001 (1987). The term synonymous with Firefighter II is Operative Firefighter and identifies the expected level of supervision.

- a) Prerequisites. A candidate for Firefighter II certification must be employed in Illinois as a fire protection person or trainee.
- b) Funding hours.

- c) No specific requirement in terms of hours of training or fire service experience is required; however, no person may take the State written examination for Firefighter II certification until the appropriately certified Fire Service Instructor and Fire Chief or his designee sign the Request for Examination Form.

d) Instructor Requirements

- 1) This course must be supervised by an instructor who is certified by the Office at the Fire Service Instructor I level.
- 2) Departments lacking Instructor I's are urged to apply for the Interim Instructor credentials during the first year of involvement in the program.
- 3) Faculty teaching in the fire service program at a community college or university may be authorized to teach these programs in the college.

e) Facility Certification and Delivery Systems

- 1) The course will be taught at a facility which is in possession of minimum resources required for a Provisional Facility Certification. See Section 140.11.

- 2) See Section 140.15 for Course Approval

f) Curriculum-Subject Headings---The course consists of 22 specific knowledge and skill objectives as identified below.

- 1- General Orientation
- 2- Fire Behavior
- 3- Portable Fire Extinguishers
- 4- Tools and Equipment
- 5- Self-Contained Breathing Apparatus-S-C-B-A-



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- 6- Ladders
- 7- Fire-Hose, Nozzles and Appliances
- 8- Personal Safety
- 9- Ropes
- 10- Emergency Medical Care
- 11- Water Supply
- 12- Forcible Entry
- 13- Overhaul
- 14- Fire Streams
- 15- Ventilation
- 16- Rescue
- 17- Communications
- 18- Sprinkler Systems
- 19- Salvage
- 20- Fire Inspections
- 21- Fire Cause and Origin
- 22- Hazardous Materials

f) Curriculum will consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1001 Firefighter Professional Qualifications, 1987 edition, Chapter 4. This standard is incorporated by reference and includes no later standards or editions.

g) Curriculum Subject Headings for Modular courses

- 1) MODULE A
  - A) General/Orientation
  - B) Fire Behavior
  - C) Portable Fire Extinguishers
  - D) Tools and Equipment

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- E) Self-Contained Breathing Apparatus
- F) Ladders
- G) Fire Hose, Nozzles and Appliances
- H) Personal Safety
- 2) MODULE B
  - A) Ropes
  - B) Water Supplies
  - C) Fire Streams
  - D) Forcible Entry
  - E) Ventilation
  - F) Rescue
  - G) Emergency Medical Care
  - H) Overhaul
- 3) MODULE C
  - A) Communications
  - B) Sprinkler Systems
  - C) Salvage
  - D) Fire Inspections
  - E) Fire Cause and Origin
  - F) Hazardous Materials

h) Depth of coverage of the subjects listed varies from each firefighter level.

i) Firefighter II can be instructed in a series of three modules. Examinations can be taken by module or by taking the complete examination.

j) When an individual takes the exam by modules, the passed modules will be kept on file until all three modules are passed before certification is granted.

k) If an individual is training by module, and then enters an Academy or College program which instructs the complete program mode, any previously passed modules cannot be used to exempt any portion of the exam; the complete examination must be taken.

l) When an individual elects to be trained using the modular system, he or she may select any module in any sequence; however, the individual must take the examination after each module and receive a passing grade on all three modules is required before certification will be granted.



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m) ~~When an individual by request takes the complete examination, he or she cannot then change to modular examination if they fail to pass the entire exam.~~

nn) State Certification Practical Skills Examination. See Section 140.40 (g).

no) State Certification Written Examination. To be certified as a Firefighter II, candidates must take and pass the State examination. See Section 140.8.

o) ~~After taking the Firefighter II examination, an individual cannot later take the Firefighter I exam.~~

(Source: Amended at Ill. Reg. , effective )

## Section 140.55 Airport Firefighter

Professional qualifications for Airport Firefighter are identified in the NFPA 1003 (1987-1976), hereby incorporated by reference. The Illinois program does not recognize rank as equivalent to the level of Airport Firefighter. The Office defines the Airport Firefighter as a certified individual who has the required airport fire protection and prevention experience.

## a) Prerequisites.

- 1) Certification as a Firefighter II.
- 2) Attainment of one year of experience in airport fire protection.
- 3) Successful completion of the 144 hour course, including the skill examination and passage of the State written examination.

## b) Funding Hours.

A maximum of 144 hours is available for reimbursement funding. The Office will fund this level of training only one time. No funding is available for repeat courses.

c) Instructor Requirements. The course is to be taught under auspices of a Certified Fire Service Instructor II who has successfully completed the course and is a Certified Airport Firefighter. The Interim Fire Service Instructor policy (See Section 140.110 Interim Instructor) is applicable to airports seeking to begin training for Airport Firefighter.

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d) Facility Certification and Delivery Systems. Educational institutions, fire departments, and fire service organizations desiring to offer the Certified Airport Firefighter program will be required to:

1) File Course Approval Forms. See Section 140.15.

2) Use a facility which possesses the minimum required resources. All delivery systems offering the program must have at least Provisional Facility Certification. See Section 140.11. In addition, the facility must possess:

A) A complete set of the IFSTA Training Manuals

B) A classroom

C) An airport firefighting vehicle.

e) Curriculum Subject Headings. The course is described as a specialized course in fire protection dealing with airports, aircraft and similar problems as well as service in general.

-1) Orientation

-2) Types of Aircraft, Engines & Systems

-3) Apparatus & Equipment

-4) Airport Operations

-5) Pre-Incident Planning

-6) Aircraft Fire & Rescue Communications

-7) Types & Application of Extinguishing Agents

-8) Types of Aircraft Incidents

-9) Explosive Cargo & Nuclear Weapons

10) Fighting Aircraft Fires

11) Post-Incident Operations

e) Curriculum will consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1003 Professional Qualifications for Airport Firefighters, 1987 edition. This standard is incorporated by reference and includes no later standards or editions.



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f) State Certification Practical Skills Examinations. Evaluations of the student's performance of the psychomotor objectives are to be done by independent evaluators, each using identical checklists which have been approved by the Office prior to its administration. Psychomotor skills checklists must be related to IFSTA 206 (1987) requirements to qualify for approval. It is the responsibility of the school, fire department or airport to test the psychomotor behavioral objectives or all personnel as part of the certification testing process. See the Firefighter Study Guide for certification of Airport Firefighter for skill requirements.

g) State Certification Written Examination. To be certified as an Airport Firefighter, candidates must take and pass the State examination. See Section 140.8.

(Source: Amended at Ill. Reg. , effective )

## Section 140.60 Certified Firefighter III

The Office recognizes the Firefighter III level as equivalent to the Firefighter III level identified in the NFPA 1001 (1987). The term synonymous with Firefighter III is Journeyman Firefighter and identifies the expected level of supervision.

a) Prerequisites.

- 1) Certification as a Firefighter II.
- 2) Attainment of three years cumulative fire service experience in a fire department which may include any combination of full-time, paid-on-call, volunteer, and military service (if a person's primary responsibility was fire protection). Proof is required. Job descriptions and personnel records are examples of adequate proof.
- 3) Documented learning experiences in each of the 20 subject areas outlined in 140.60 (e) and contained in the Instructor Reference Manual.
- 4) Documented demonstration of competence in all manipulative skills contained in the Instructor Reference Manual.
- 5) Successful completion of all 20 subject areas of the Firefighter III examination within five calendar years from the year of Firefighter II certification. For example, if an individual obtains Firefighter II certification at any time during 1980, the individual must pass all subject areas of the Firefighter III examination by December 31, 1985. An individual who has not passed all subject areas of the

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Firefighter III examination within the five year cycle will lose all passing scores, and will again be required to take and pass all subject areas within a future five year cycle.

6) If, during the five year cycle, subject areas are added due to program changes, an individual who has not passed all areas or who has not met all prerequisites must successfully do so, including the added areas, before becoming certified.

b) Funding Hours. Maximum funding is 600 hours. The Office will fund this level of training only one time.

c) Instructor Requirements

1) This course must be taught under the auspices of an instructor who has been certified by the Office as having met minimum standards for Fire Service Instructor II certification.

2) Fire Service Instructor I persons who have successfully completed portions of the Firefighter III examination may be authorized to teach and complete the required records in each of the subjects of the Firefighter III course which the Fire Service Instructor I has successfully completed.

d) Facility Certification and Delivery System. Educational institutions, fire departments and fire service organizations must:

- 1) Have access to an Unlimited Training Facility. See Section 140.12.
- 2) File necessary Course Approval Forms. See Section 140.15.

e) Curriculum-Subject Headings. The course consists of the specific knowledge and skill objectives identified below:

- 1) General/Orientation
- 2) Fire Behavior
- 3) Portable Fire Extinguishers
- 4) Tools and Equipment
- 5) Self-Contained Breathing Apparatus (S-C-B-A)
- 6) Ladders
- 7) Fire Hose, Nozzles and Appliances



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- 8) Personal-Safety
- 9) Emergency-Medical-Care
- 10) Water-Supply
- 11) Overhaul
- 12) Fire-Streams
- 13) Ventilation
- 14) Rescue
- 15) Communications
- 16) Sprinkler-Systems
- 17) Fire-Inspections
- 18) Fire-Cause-and-Origin
- 19) Hazardous-Materials
- 20) Building-Construction

e) Curriculum will consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1001, Firefighter Professional Qualifications, 1987 edition, Chapter 5. This standard is incorporated by reference and includes no later standards or editions.

f) State Certification Practical Skill Examination. See Section 140.40 (g).

g) State Certification Written Examination. To be certified as a Firefighter III, candidates must take and pass the State examination. A Request for Examination must be signed by a Certified Fire Service Instructor II. See Section 140.8. Individuals possessing Emergency Medical Technician (EMT) or Paramedic certification are not required to take the Emergency Medical Care section of the Certified Firefighter III examination. Proof of current EMT or Paramedic certification is required.

h) Refresher Training.

- 1) The Certified Firefighter III is considered by the Office to be the senior technical level in the fire suppression career ladder and, therefore, is not required to progress to another

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level in order to maintain certification. In order to insure that Firefighter III personnel maintain their proficiency, they are encouraged to keep abreast of the state of the art by participating in refresher training. For the purpose of funding, only 60 hours of reimbursable time per year will be funded by the Office for refresher training.

- 2) The training may consist of any or all of the subjects listed in NFPA 1001 and Firefighter III certification required for Firefighter-III certification. The failure to participate in the annual 60 hours of refresher training does not revoke the individual's certification, since such certification has historically been seen as a personal achievement, and maintenance of the certificate a personal commitment.

- 3) Individuals participating in such refresher training will need to have clearly identified training records. (See Section 140.12(e))

- 4) Individuals who have received certification as a Fire-Officer I, Fire-Service-Instructor-II, or Fire-Prevention-Officer-I are not eligible for Firefighter-III-Refresher.

(Source: Amended at Ill. Reg. , effective )

## Section 140.65 Certified Fire Apparatus Engineer

The Certified Fire Apparatus Engineer course is designed to meet a speciality need within the fire service. The program equals or exceeds the requirements of NFPA 1002--(1982)--Professional--Qualifications--for--Fire--Apparatus Driver/Operator, Fire Apparatus Driver/Operator Professional Qualifications, 1988 edition.

## a) Prerequisites

- 1) Certification as a Firefighter-III--A-Certified-Firefighter-II may take the Fire-Apparatus-Engineer-training-as-part-of-the 600-hour-Firefighter-III-program; however, Fire-Apparatus certification will not be awarded until the individual has achieved firefighter-III certification.

- 1) Certification as a Firefighter II.

- 2) Completion of the Certified Fire Apparatus Engineer course of 40 student contact hours (minimum).

- 3) Pass State end-of-course written and practical skill examination.



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4) Possess a ~~Class-C-drivers-license~~ the appropriate class of Illinois driver's license in accordance with the laws of the Secretary of State.

5) Application for certification which includes attestation by Fire Chief that all practical driving skills have been taught.

## b) Funding

1) A maximum of 96108 hours is available for reimbursement funding. No funding is available for repeat courses.

2) Hours accumulated toward Fire Apparatus Engineer certification while a person is a firefighter II will be subtracted from the 600 hours available for firefighter III reimbursement funding.

c) Instructor Qualifications. There is no Fire Apparatus Engineer Instructor certification level. Persons planning to offer this program must:

1) Be a Certified Fire Service Instructor II, and

2) Be a Certified Fire Apparatus Engineer

3) When a department is initiating a Fire Apparatus Engineer program, the initial course may be conducted by a Certified Fire Service Instructor II who is not a Certified Fire Apparatus Engineer. However, the practical skill examination must be conducted by a Certified Fire Apparatus Engineer. The department should contact the Office for the names of Certified Fire Apparatus Engineers who have agreed to conduct practical skill examinations.

d) Facility Certification and Delivery Systems.

1) Course Approval. See Section 140.15.

2) The course must be taught at an Unlimited Training Facility. See Section 140.12.

3) In addition, the facility must have equipment necessary to meet the performance objectives in the Office of the State Fire Marshal, Division of Personnel Standards and Education, Fire Apparatus Engineer Instructor Reference Manual, 1989 edition, hereby incorporated by reference, and including no later standards or editions.

A) Two fire department pumping apparatus conforming to NFPA 1901.

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B) Nozzles for 2-1/2-inch hose:

1) Two 250-gpm fog

2) One 1-1/8-inch straight tip

3) One 1-1/4-inch straight tip

C) Nozzles for master stream appliance:

1) One 1-1/2-inch

2) One 1-3/4-inch

3) One 2-inch

D) Hose:

1) Two 4-inch or larger hard suction hose of 10-feet each

2) One 4-inch or larger soft suction hose of 15-feet

3) 500-feet of 3-inch hose

4) 600-feet of 2-1/2-inch hose

5) 300-feet of 1-1/2-inch hose

E) One hydrant with one steamer connection.

F) One ladder pipe.

G) One master stream appliance with a 3-way intake.

H) Wyes:

1) One 2-1/2-inch to 2-1/2-inch

2) One 2-1/2-inch to 1-1/2-inch

I) One 2-1/2-inch siamese.

J) Models, diagrams, or cutaways of pumps, hydrants, water distribution systems, standpipe and components of a water pump.

K) Maps of water distribution system



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- L→ Calibrated-gauge
- M→ Pitot-tube
- N→ RPM-counter
- Q→ Drafting-pit-with-10-feet-lift-or-equivalent
- P→ Hose-layout-diagrams
- Q→ Written-problems-covering-master-streams-and-assorted-tips

## e) Course-Outline-

- 1→ Orientation
- 2→ Pumps
- 3→ Pump-Controls
- 4→ Pump-Tests
- 5→ Gallons-per-minute-parameters
- 6→ Elements-of-Friction-Loss
- 7→ Stamess-Operations
- 8→ Hye-Operations
- 9→ Relay-Pumping-Operations
- 10→ Master-Steam-Device-Applications
- 11→ Supply-of-Elevated-Streams
- 12→ Supply-and-Support-of-Sprinkler-Systems
- 13→ Supply-and-Support-of-Standpipe-Systems
- 14→ Supply-of-Miscellaneous-Equipment
- 15→ Troubleshooting-Apparatus-Maintenance
- 16→ Driving-Laws/Emergency-Vehicles
- 17→ Spotting-Apparatus
- 18→ Preventive-Maintenance

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- 19→ Records-and-Reports
- e) Curriculum will consist of a course or courses covering knowledge and skill objectives and depth of coverage as listed in NFPA 1002, Fire Apparatus Driver/Operator Professional Qualifications, 1988 edition. This standard is incorporated by reference and includes no later standard or edition.
- f) State Certification Practical Skill Examination
  - 1) The state practical skill examinations consist of a series of evolutions covering pumper operations. Instructors should contact the Office for the practical skill package.
  - 2) All practical skill examinations must be administered by an Instructor II, Certified Fire Apparatus Engineer and observed by two additional knowledgeable witnesses.
  - 3) After the practical examination is completed and scored by the Instructor, a copy of the evaluation checklist must be sent to the Office for inclusion in the student's file.
  - g) State Certification Written Examination. To be certified as a Fire Apparatus Engineer, candidates must take and pass the State examination. Firefighter II certification is required to take Fire Apparatus Engineer examination. Request for exam must be signed by a Fire Service Instructor II who is also a Certified Fire Apparatus Engineer. See Section 140.8.

(Source: Amended at Ill. Reg. , effective )

## Section 140.70 Fire Officer I

The Office recognizes three levels of Fire Officer, Fire Officer I, II, and III. These three levels meet and exceed the six levels of Fire Officer identified in NFPA 1021 (1983/1987), hereby incorporated by reference. The Office does not recognize rank as equivalent to the various levels of Fire Officer. The Office defines the Fire Officer I as an individual having the responsibilities of Company Officer.

- a) Prerequisites. Fire Officer I certification is granted to those individuals who have achieved the following:

- 1) Certification as Firefighter III.
- 2) Attainment of three years minimum fire service experience in a fire department.



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- 3) Successful completion of the five identified three-semester credit (40 student-contact hour minimum) courses or equivalent. A course taken for certification credit of 40 student contact hours (minimum) can only be used for one area of career hierarchy. Work-experience-equivalency-expires-December-31, 1987. Only one course may be taken by work experience in lieu of a formal course before that time. A letter from the person's fire chief or supervisor if a fire chief applies attesting that the individual has had at least one year of satisfactory work experience and learning experiences at least equal to the curriculum subject headings for the courses for which the work-equivalency is sought. The learning experiences must include job descriptions, organizational chart, procedures manual or other indicia of performance objectives of the individual, operational procedures or other documents indicative of the responsibility of the person for the equivalency sought. Individuals must have the following required courses or equivalent courses:

- A) Fire Service Instructor I certification
- B) Fire Prevention Principles I (or provide proof of equivalent course)
- C) Tactics and Strategy I (or provide proof of equivalent course)
- D) Management I (or provide proof of equivalent course)
- E) Management II (or provide proof of equivalent course)

Individuals must have courses meeting the objectives in NFPA 1021, Fire Officer Professional Qualifications, 1987 edition, Chapter 2 and 3, hereby incorporated by reference.

Course requirements are broken down in five modules with the following topic headings:

- A) Fire Service Instructor I (certification required)
- B) Fire Prevention Principles I
- C) Strategy and Tactics I
- D) Fire Service Management I
- E) Fire Service Management II

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## 4) Experience Requirements

- A) The candidates for Fire Officer I certification must have served a minimum of one year as a Fire Officer I or Fire Officer I trainee. The Office defines a Fire Officer I trainee as a person possessing Firefighter III certification assigned to supervise one or more companies (a company is a crew of fire protection personnel). The Training Officer and Fire Chief must document the experience as a Fire Officer I or Fire Officer I trainee.
- B) Until such time as the experience requirement is satisfied, the Fire Officer I candidate will receive a letter of verification attesting to his "Provisional Qualification" as a Fire Officer I. Provisional Qualification can only be given after completion of all required courses. Provisionally qualified status allows the individual to participate in Fire Officer II courses and training. Provisionally qualified status does not certify the individual as a Fire Officer I.
- b) Funding Hours. A maximum of 270240 hours is available for reimbursement funding with no more than 5448 hours being allowed for each of the 5 courses required in 140.70(a)(3). Work experience does not qualify for funding. The Office will fund this level of education only one time. Candidates must be certified as a Firefighter III prior to beginning of Fire Officer I classes to qualify for reimbursement funding.

- c) Equivalent courses. Courses not having prior approval but which correlate with the content areas of required courses and conclude with an evaluation of the individual's retention will be approved for certification purpose only. Fire Officer Applications for certification that request course equivalency evaluation must be accompanied by complete course content or syllabus for the course. College catalog descriptions of a paragraph or less are not sufficient documentation for review.

- 1) Equivalent courses must meet the performance objectives required in NFPA 1021, Fire Officer Professional Qualifications, 1989 edition, chapters 2 and 3.
- 2) It is the responsibility of the applicant to provide documentation for the Office to conduct an equivalency evaluation.
- 23) Documentation and proof necessary to establish course equivalency shall include but not limited to:



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- A) Course titles or transcripts
- B) Syllabi and course outlines
- C) Test scores or grades
- D) College and Institute catalog course descriptions
- E) Other supporting material
- d) Instructor Requirements. See Section 140.200(d) for instructor approval requirements.
- e) Facility Certification and Delivery Systems. Educational institutions and fire service organizations desiring to offer the Fire Officer program will be required to receive facility certification. Such certification requires:
  - 1) See Section 140.15 for course approval requirements
  - 2) See Section 140.16 for end-of-course examination requirements.
  - 3) All courses will be delivered under the auspices of approved institutions which are identified as follows:
    - A) All Fire Officer I and II courses may be delivered by any accredited college or university in Illinois.
    - B) All Fire Officer III courses may be delivered by colleges or universities accredited in Illinois to offer baccalaureate degrees.
    - C) Fire Service organizations may receive approval to deliver specialized courses. Such approval will be granted based on compliance with all applicable rules in this Part, including Sections 140.11, 140.12, 140.15, 140.16, and 140.25. These organizations are identified as:
      - i) The Illinois Fire Chief's Association (IFCA)
      - ii) The Illinois Fire Inspector's Association (IFIA)
      - iii) The Illinois Society of Fire Service Instructors (ISFSI)
      - iv) The Illinois Firefighter's Association (IFA)
      - v) The Associated Firefighters of Illinois (AFFI)

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- vi) The Illinois Association of Fire Protection Districts (IAFPD)
- vii) The Illinois Professional Firefighters Association (IPFA)
- 4) All organizations and institutions desiring to offer programs and/or courses will be required to meet all rules and regulations established by the Office regarding curricula, student control, examinations, financial records maintenance and instructor's qualifications, including Sections 140.11, 140.12, 140.15, 140.16 and 140.25.
- f) Curriculum-Subject-Headings-
  - 1) Fire-Service-Instructor-I-course.--See-Section-140.130.
  - 2) Fire-Prevention-Principles-I
    - A) Purpose-and-objectives
    - B) Laws,-codes,-and-ordinances
    - C) Occupancy
    - D) Building-construction
    - E) The-Life-Safety-Code,-NFPA-101-(1985)
    - F) Plan-review
    - G) Field-Inspection-Techniques
    - H) Fire-Hazards-and-Causes
    - I) Fire-Protection-and-Devices
    - J) Fire-Investigation
    - K) Fire-Prevention-Education-Programs
    - L) Managing-a-Fire-Prevention-Bureau
    - M) Reference-Sources-and-Materials
    - 3) Tactics-and-Strategy-I
      - A) Orientation



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- B) Introduction-to-Strategy-and-Tactics
- C) Leadership-and-Command
- D) Size-up
- E) Strategic-Considerations
- F) Fire-Behavior-and-Building-Construction
- G) Pre-Fire-Planning
- H) Firefighter-Safety
- I) Engine-Company-Operations
- J) Truck-Company-Operations
- K) Hazardous-Materials
- L) Simulated-Exercises
- 4) Management-Principles-I
  - A) Orientation
  - B) Role-and-Function-of-the-Fire-Officer-I
  - C) Introduction-to-Management
  - D) Planning
  - E) Organizing
  - F) Staffing
  - G) Directing
  - H) Controlling
- 5) Management-Principles-II
  - A) Orientation
  - B) Role-and-Function-of-a-Fire-Officer-I
  - C) Communications

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- D) Group-Dynamics
- E) Health-and-Safety

F) Curriculum will consist of courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1021, Fire Officer Professional Qualification, 1988 edition, Chapters 2 and 3. This standard is incorporated by reference and includes no later editions or amendments.

(Source: Amended at Ill. Reg. , effective )

## Section 140.80 Fire Officer II

The Office recognizes three levels of Fire Officer, Fire Officer I, II, and III. These three levels meet and exceed the six levels of Fire Officer identified in NFPA 1021 (1983/1987), hereby incorporated by reference. The Office defines Fire Officer II as a person having the responsibilities above Company Officer, but less than the responsibilities of the Fire Administrator, Fire Chief, head of the department, etc. (See Section 140.70).

a) Prerequisites. The candidate seeking Fire Officer II certification must have achieved the following qualifications:

- 1) Certification as a Fire Officer I.
- 2) Five years minimum fire service experience in a fire department.
- 3) Successfully completed five 3-semester credit courses, or equivalent (40 student-contact hours minimum). A course taken for certification credit of 40 student contact hours (minimum) can only be used for one area in the career hierarchy. Individuals--must--have--successfully--completed--the--following required--courses--or--equivalent--courses: Individual must have courses meeting the objectives in NFPA 1021, Fire Officer Professional Qualifications, 1987 edition, Chapter 4 and 5, hereby incorporated by reference and includes no later editions or amendments.

Course requirements are broken down in five modules with the following topic headings:

- A) Fire Service Instructor II (certification required)
- B) Fire Prevention Principles II
- C) Strategy and Tactics II
- D) Fire Service Management III



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E) Fire Service Management IV

- A) Tactics-and-Strategy-II-(or-proof-of-equivalent-courses)-
- B) Fire-Service-Instructor-II-certification-
- C) Fire---Prevention---Principles---II---(or---provide---proof---of-equivalent-course)-
- D) Management-III-(or-provide-proof-of-equivalent-course)-
- E) Management-IV-(or-provide-proof-of-equivalent-course)-

## 4)

A) The candidates for Fire Officer II certification must have served a minimum of one year as a Fire Officer II or a Fire Officer II trainee. The Office defines a Fire Officer II trainee as a person possessing Fire Officer I certification assigned to Fire Officer II duties. The Training Officer and Fire Chief must document the experience as a Fire Officer II or Fire Officer II trainee.

B) Until such time as the experience requirement is met, the Fire Officer II candidate will receive a letter of verification attesting to his "provisional qualification" as a Fire Officer II. Provisionally qualified status allows the individual to participate in Fire Officer II courses. Provisionally qualified status does not certify the individual as a Fire Officer II. Provisional qualification can only be given after completion of all required courses.

C) An individual possessing a letter of provisional qualification as a Fire Officer I may take Fire Officer II courses and receive a letter of provisional qualification as a Fire Officer II.

b) Funding Hours. A maximum of 270240 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses with no more than 5448 hours being allowed for each of the 5 courses required in 140.80(a)(3). Work experience does not qualify for funding. Candidates must be certified as a Fire Officer I or a provisionally qualified Fire Officer I prior to beginning Fire Officer II course to qualify for reimbursement funding.

c) Equivalent courses. See Section 140.70 (c).

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- d) Instructor Requirements. See Section 140.70 (d).
- e) Facility Certification and Delivery Systems. See Section 140.70 (e).
- f) Curriculum will consist of courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1021, Fire Officer Professional Qualifications, 1987 edition, Chapters 4 and 5. This standard is incorporated by reference and includes no later standard or edition.
- g) Curriculum-Subject-Headings-

1) Tactics-and-Strategy-II

- A) Introduction---the-Fire-Officer-II
- B) Strategic-Considerations
- C) Engine-Company-Operations
- D) Truck-Company-Operations
- E) Arrival-On-The-Scene
- F) Apparatus-Placement
- G) Manpower-Utilization
- H) Residential-Occupancy-Fire-Operations
- I) Mercantile-and-Business-Occupancy-Fire-Operations
- J) High-Rise-Fire-Operations
- K) Industrial-Storage-Occupancy-Fire-Operations
- L) Health-Care-Occupancy-Fire-Operations
- M) Penal-Occupancy-Fire-Operations
- N) Assembly-Occupancy-Fire-Operations
- O) Educational-Occupancy-Fire-Operations
- P) Returning-Companies-To-Service
- Q) Department-Disaster-Planning
- R) Simulated-Exercises



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- 2) Fire-Service-Instructor-II---See-Section-140-140-(e)-  
3) Fire-Prevention-Principles-II

- A) Purposes-and-objectives  
B) Laws--codes-and-ordinances  
C) Occupancy  
D) Building-construction  
E) Life-Safety-Code  
F) Plan-Review

- G) Inspection-Techniques  
H) Hazards-and-Causes  
I) Systems-and-Devices  
J) Fire-Investigation  
K) Public-Education  
L) Bureau-Management  
M) Reference-Sources

## 4) Management-Principles-III

- A) Orientation  
B) Role-and-Function-of-a-Fire-Officer-II  
C) Time-Management  
D) Decision-Making  
E) Motivation  
F) Counseling-and-Personnel-Evaluation  
G) Budgeting-Techniques  
5) Management-Principles-IV

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- A) Orientation  
B) Role-and-Function-of-the-Fire-Officer-II  
C) Public-Relations  
D) Personnel-Management  
E) Fire-Officers-and-the-Law  
F) Training-and-Leadership

(Source: Amended at Ill. Reg. , effective )

## Section 140.90 Fire Officer III

The Office recognizes three levels of Fire Officer, Fire Officer I, II, and III. These three levels meet and exceed the six levels of Fire Officer identified in NFPA 1021 (1983/1987), hereby incorporated by reference. The Office identifies the Fire Officer III as those persons having the responsibilities of the head or administrator of a department or allied field agency. The individual directs the activities and is in command of a fire department or allied field agency. The term synonymous with Fire Officer III is Fire Department Administrator. (See Section 140.70).

a) Prerequisites. Fire Officer III certification is granted to those persons who have met the following qualifications:

- 1) Certified as a Fire Officer II.
- 2) Attained six years minimum fire service experience in a fire department.
- 3) Successful completion of the six identified three-semester credit courses (40 student-contact hour minimum) or equivalent. Individuals must have the following required courses or equivalent courses.
  - A) Group Structures and Meetings in the fire service (or provide proof of equivalent course).
  - B) Public Communications (or provide proof of equivalent course).
  - C) Managerial Development (or provide proof of equivalent course).
  - D) Personal and Personnel Management (or provide proof of equivalent course).



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- E) Approaches to Finance and Data Based Systems (or provide proof of equivalent course).
- F) Disaster Planning and Political Consideration (or provide proof of equivalent course. Proof will consist of a course syllabus or course description).
- 4) Experience Requirements.
- A) The candidate for Fire Officer III certification must have served two years as a Fire Officer III or a Fire Officer III trainee. The Office defines a Fire Officer III trainee as a person possessing Fire Officer II certification assigned duties as head of a department.
- B) Documentation of work experience shall consist of job description, organization chart, letter from supervisor of experience relating to the courses required and such other documentation as may be required.
- C) Until such time as the experience requirement is met, the Fire Officer III candidate will receive a letter of verification attesting to his "provisional qualified status as a Fire Officer III. Provisionally qualified status does not certify the individual as a Fire Officer III. Provisional qualification can only be given after completion of all formal courses.
- D) A person possessing a letter of provisional qualification as a Fire Officer II may take Fire Officer III courses and receive a letter of qualification as a Fire Officer III.
- b) Funding hours. A maximum of 324288 hours is available for reimbursement funding with no more than 5448 hours being allowed for each of the 6 courses required in 140.90(a)(3). Work experience does not qualify for funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Officer II or a provisionally qualified Fire Officer II to qualify for reimbursement funding.
- c) Equivalent courses. See Section 140.70(c).
- d) Instructor Requirements. See Section 140.70(d).
- e) Facility Certification and Delivery Systems. See Section 140.70(e).

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6. This standard is incorporated by reference and includes no later editions or amendments.
- f) ~~Curriculum-Subject-Headings--The description of the Fire-Officer-III-courses-is-based-on-the-premise-that-the-entire-curriculum will-be-delivered-by-a-variety-of-approved-educational-systems-with the--programs--academically--based--throughout--the--curriculum identified-is-as-follows:~~
- 1) ~~Group-Structures-in-the-Fire-Services~~
- A) ~~Small-Group-Communications-and-Leadership~~
- B) ~~Conference-Planning~~
- 2) ~~Public-Communications~~
- A) ~~Oral-Presentations~~
- B) ~~Written-Communication~~
- C) ~~Public-Relations-and-Fire-Education~~
- 3) ~~Managerial-Development~~
- A) ~~Organizational-Leadership-and-Motivation~~
- B) ~~Managerial-Decision-making~~
- C) ~~Management-of-Change~~
- D) ~~Conflict-Resolution-Techniques~~
- 4) ~~Personal-and-Personnel-Management~~
- A) ~~Labor-Relations~~
- B) ~~Job---Performance---Assessment---Centers---and---Interviewing Principles~~
- C) ~~Managing-Stress-and-Alcoholism~~
- D) ~~Time-Management~~
- 5) ~~Approaches-to-Finance-and-Data-Based-System~~
- A) ~~Applied-Research-Methods~~



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- C) Statistics
- D) Management-Information-Systems
- 6) Disaster-Planning-and-Political-Considerations
  - A) Local-Political-Arena
  - B) Disaster-Planning
  - C) State-Political-Arena
  - D) Medical-Community-Interface-and-Physical-Fitness-Program

(Source: Amended at Ill. Reg. , effective )

## Section 140.130 Fire Service Instructor I

Professional qualifications for Fire Service Instructor I are identified in the NFPA 1041 (1981-1987), Chapter 3, hereby incorporated by reference. The Illinois program does not recognize rank as equivalent to the various levels of Fire Service Instructor. The Office defines the Fire Service Instructor I as a certified individual who has successfully completed the required academic program; an Instructor in the fire department who is authorized to teach courses in the Firefighter I and II programs for state certification and to validate training records for these levels.

- a) Prerequisites. Fire Service Instructor I is granted to those individuals who have met the following qualifications:

- 1) Certification as a Firefighter II.
- 2) Attainment of three years of documented cumulative fire service experience in a fire department;
- 3) Successful completion of a 40-48-hour course with a minimum of 40 hours in instructional techniques equivalent to NFPA 1041 (1981-1987), Chapter 3, or current State Teacher's Certification Board, State of Illinois Teacher's Certificate. Such certificate will be accepted only for certification for Fire Service Instructor I and II, if all other certification requirements are met. Copy of Teacher's Certificate must be submitted with application for certification.

- b) Funding hours. A maximum of 5448 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Firefighter II to qualify for reimbursement funding.

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## c) Instructor Requirements.

- 1) Course must be taught under auspices of an Instructor who is recognized and approved by an educational institution or major fire service organization which has the approval of the Office. The Instructor qualifications are flexible in that no specific discipline is required of the person employed to teach the Instructor course.
- 2) It is strongly recommended that fire protection personnel not be authorized as instructors for this course unless the fire service personnel have been previously recognized by the institution offering the course and the Office as an educator qualified to teach others how to teach.
- d) Facility Certification and Delivery Systems. Educational institutions and fire service organizations desiring to offer the Fire Service Instructor program will be required to receive facility certification. Such certification requires:
  - 1) See Section 140.15 for course approval requirements.
  - 2) See Section 140.16 for end-of-course written examination requirements.
  - 3) A practice teaching evaluation system for Fire Service Instructor I and Fire Service Instructor II must be approved by the Office. This system must contain at least one practice teaching evaluation to be conducted by two or more evaluators. All evaluators will utilize a checklist, approved by the Office, to independently evaluate the candidates performance.
  - 4) Fire Service Instructor courses will be delivered under the auspices of approved institutions identified as follows:
    - A) All Fire Service Instructor I, II and III courses may be delivered by any accredited college or university in Illinois.
    - B) All Fire Service Instructor IV courses may be delivered by colleges or universities accredited in Illinois to offer baccalaureate degrees.
    - C) Fire service organizations may receive approval to deliver specialized courses. The organizations are identified as:
      - i) The Illinois Fire Chief's Association (IFCA)



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Section 140.140 Fire Service Instructor II

Professional qualifications for Fire Service Instructor II are identified in the NFPA 1041, (1981-1987), Chapter 4, hereby incorporated by reference. The Illinois program does not recognize rank as equivalent to the various levels of Fire Service Instructor. The Office defines the Fire Service Instructor II as a certified individual serving as an instructor in a fire department or allied field or agency with curricula, course and lesson plan development responsibilities. Instructor II's are authorized to teach all subjects of the Firefighter I, II, and III courses and to validate training records for these levels of training.

a) Prerequisites. Fire Service Instructor II certification is granted to those individuals who have:

- 1) Certification as a Firefighter III.
- 2) Certification as a Fire Service Instructor I.
- 3) Attained five years of documented fire service experience in a fire department.
- 4) Successfully completed a 40-48-hour course with a minimum of 40 hours in methods and techniques of teaching equivalent to NFPA 1041 (1981-1987), Chapter 4, or a current State Teacher's Certification Board, State of Illinois Teacher's Certificate. Such certificate will be accepted only for certification for Fire Service Instructor I and II, if all other certification requirements are met. Copy of Teacher's Certificate must be submitted with application for certification.

b) Funding hours. A maximum of 48 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Service Instructor I prior to starting this course to qualify for reimbursement funding.

c) Instructor Requirements. See Section 140.130(c).

d) Facility Certification and Delivery Systems. See Section 140.130(d).

e) Curriculum Subject Headings. The general course content is identified in NFPA 1041, Chapter 4, hereby incorporated by reference. This standard is incorporated by reference and includes no later editions or amendments. ~~description following~~. In addition to meeting the qualifications of Instructor I, the objectives of the course are designed to prepare the candidate in the ability to demonstrate knowledge and skills in preparing Instructional Materials, Techniques of Testing and Evaluations and writing Behavioral Objectives or Performance Objectives.

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ii) The Illinois Fire Inspector's Association (IFIA)

iii) The Illinois Society of Fire Service Instructors (ISFSI)

iv) The Illinois Firefighter's Association (IFA)

v) The Associated Firefighters of Illinois (AFFI)

vi) The Illinois Association of Fire Protection Districts (IAFPD)

vii) The Illinois Professional Firefighter's Association (IPFA)

5) All organizations and institutions desiring to offer programs and/or courses will be required to meet all rules and regulations established by the Office regarding curricula, student control, examinations, financial records maintenance and instructor's qualifications (See Section 140.25).

e) Curriculum will consist of course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1041, Chapter 3. This standard is incorporated by reference and includes no later editions or amendments.

e) Curriculum--Subject--Headings--The--general--course--content--is identified in NFPA-1041-(1981)-chapter-3,-description-following:

1) The Instructor's Roles and Responsibilities

2) Communications

3) Concepts of Learning

4) Human Factors in the Teaching-Learning Environment

5) Instructional Materials

6) Organizing the Learning Environment

7) The Lesson Plan

8) The Teaching Technique

9) Testing and Evaluation

10) Training Records and Reports

(Source: Amended at Ill. Reg. , effective )



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- 1) Performance Objectives
- 2) Lesson Plan Development
- 3) Instructional Materials Development
- 4) Teaching/Learning Process
- 5) Evaluation
- 6) Methods of Instruction
- 7) Training Records and Reports
- 8) References

(Source: Amended at Ill. Reg. , effective )

## Section 140.150 Fire Service Instructor III

Professional qualifications for Fire Service Instructor III are in the NFPA 1041 (1981-1987), Chapter 5, hereby incorporated by reference. The Illinois program does not recognize rank as equivalent to the various levels of Fire Service Instructor. The Office defines the Fire Service Instructor III as a certified individual serving in a fire department or allied field or agency assigned management/administrative duties with some instructional duties; responsible for a major division of a training program. The term Technical Manager is synonymous with Fire Service Instructor III.

- a) Prerequisites. Fire Service Instructor III certification is granted to those individuals who:
  - 1) Have certification as a Fire Service Instructor II.
  - 2) Have served a minimum of three years in the capacity of a fire service instructor or training officer.
  - 3) Successful completion of 80 hours of courses equivalent to NFPA 1041 (1981-1987), Chapter 5.
- b) Funding Hours. A maximum of 80 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Service Instructor II prior to starting this course to qualify for reimbursement funding.
- c) Instructor Requirements. See Section 140.130(c).
- d) Facility Certification and Delivery System. See Section 140.130(d).

- e) Curriculum Subject Headings. The general course content is identified in NFPA 1041, (1981-1987), Chapter 5, hereby incorporated by reference, and including no later editions or amendments. Description following:
  - 1) General
  - 2) Occupational Analysis
  - 3) Development of Materials
  - 4) Evaluation
  - 5) Training Records and Reports

(Source: Amended at Ill. Reg. , effective )

## Section 140.160 Fire Service Instructor IV

Professional qualifications for Fire Service Instructor IV are in the NFPA 1041 (1981-1987), Chapter 6, hereby incorporated by reference. The Office defines the Instructor IV as a certified person serving as an instructor in a fire department or allied field agency primarily assigned administrative and/or management responsibilities for fire service training. Division Administrator is the term synonymous with Fire Instructor IV.

- a) Prerequisites. Instructor IV certification will be granted to those individuals who have met the following qualifications:

- 1) Certification as a Fire Service Instructor III.
- 2) Have served a minimum of five years in the capacity of a fire service instructor or training officer.
- 3) Successful completion of five three-semester courses (40 student-contact hours minimum) or equivalent. Individuals must have the following required courses or equivalent courses.
  - A) Management I (or provide proof of equivalent course).
  - B) Management II (or provide proof of equivalent course).
  - C) Management III (or provide proof of equivalent course).
  - D) Management IV (or provide proof of equivalent course).
  - E) A course in educational administration or Approaches to Finance and Data Based Systems, Fire Officer III, Module V.



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- b) Funding hours. A maximum of 270240 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Service Instructor III prior to starting this course to qualify for reimbursement funding, with no more than 5448 hours being allowed for each of the 5 required courses in 140.160(a)(3).
- c) Equivalent courses. See Section 140.70(c).
- d) Instructor Requirements. See Section 140.70(d).
- e) Facility Certification and Delivery System. See Section 140.70(e).
- f) Curriculum will consist of course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1041. Chapter 6, hereby incorporated by reference and includes no later editions or amendments.

## f) Curriculum-Subject-Headings

- 1) Management-I---See-Section-140.70(f)
- 2) Management-II---See-Section-140.70(f)
- 3) Management-III---See-Section-140.80(f)
- 4) Management-IV---See-Section-140.80(f)
- 5) Education-Administration-or-Approaches-to-Finance-and-Data Based-Systems---Fire-Officer-III-Modules-V---See-Section 140.90(f)---The-general-course-content-is-identified-in-NFPA-1041-Chapter-6-5-and-6-6

(Source: Amended at Ill. Reg. , effective )

## Section 140.171 Fire Prevention Officer I

Professional qualifications for Fire Prevention Officer I, except Firefighter qualifications, are identified in the NFPA 1031, 1033, 1035, (19771987), Chapter-4, hereby incorporated by reference. The Office defines the Fire Prevention Officer I as a person serving in a fire department or allied agency whose primary duties are inspections of a variety of structures, reporting inspection results of fire safety conditions, conducting basic fire investigation, and performing basic fire prevention education activities. The term synonymous with Fire Prevention Officer I is Technical Specialist.

- a) Prerequisites. Fire Prevention Officer I certification is granted to those individuals who have met the following qualifications:

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- 1) Certification as a Firefighter III or successfully completing ~~certification~~ through the Firefighter Bypass examination. Entrances into this program through the Bypass examination is limited to:
  - A) Office personnel
  - B) Persons employed by fire departments and fire protection districts in fire prevention areas who are prohibited from work in fire suppression.
- 2) Attainment of three years cumulative fire service experience which must include one year of experience in fire prevention.
- 3) Successful completion of the 240-hour--Office approved Fire Prevention Officer I course or provide proof of equivalent courses.
- 4) Successful completion of the State Fire Prevention Officer I examination.

- b) Funding Hours. A maximum of 240 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Firefighter II or have successfully completed ~~certified~~ through the Firefighter Bypass examination to qualify for reimbursement funding.

## c) Equivalent courses.

- 1) See Section 140.70(c) for requirements.
- 2) Equivalent course must meet the performance objectives in NFPA 1031, 1033, and 1035.

- 3) When courses are evaluated as equivalent, the individual will be allowed to take the State written examination one time.

Failure of the State written examination will invalidate the equivalency evaluation and require the individual to successfully complete the Fire Prevention Officer I program prior to taking the State written examination a second time.

- 4) Equivalent courses are not eligible for reimbursement.

- d) Instruction Requirements. The Fire Prevention Officer I program must be taught under the auspices of instructors who are recognized and approved by an educational institution and/or fire service



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organization which has the approval of the Office. The instructor qualifications are flexible in that no specific discipline or degree is required.

- e) Facility Certification and Delivery Systems. Educational institutions and fire service organizations desiring to offer the Fire Prevention Officer I program will be required to receive facility certification. Such certification requires:

- 1) See Section 140.15 for Course Approval requirements.
- 2) See Section 140.8 for State written examination requirements.
- 3) See Section 140.16 for End-of-Course examination requirements.
- 4) All courses will be delivered under the auspices of approved institutions identified as follows:

A) Fire Prevention Officer I, Fire Prevention Education Officer II, and Fire Prevention Inspector II courses may be delivered by any accredited college or university in Illinois.

B) Fire Prevention Education Officer III and Fire Prevention Inspector III courses may be delivered by colleges or universities accredited in Illinois to offer baccalaureate degrees.

C) Fire service organizations may receive approval to deliver specialized courses. The organizations are identified as:

- i) The Illinois Fire Chief's Association (IFCA)
- ii) The Illinois Fire Inspector's Association (IFIA)
- iii) The Illinois Society of Fire Service Instructors (ISFSI)
- iv) The Illinois Firefighter's Association (IFA)
- v) The Associated Firefighters of Illinois (AFFI)
- vi) The Illinois Association of Fire Protection Districts (IAFPD)
- vii) The Illinois Professional Firefighters Association (IPFA)

- 5) All organizations and institutions desiring to offer programs and/or courses will be required to meet all rules and

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regulations established by the Office regarding curricula, student control, examinations, financial records maintenance and instructor's qualifications.

- f) Curriculum will consist of course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1031, Professional Qualifications for Fire Inspector (1987), NFPA 1033 Professional Qualifications for Fire Investigator (1987), and NFPA 1035 Professional Qualifications for Public Fire Educator (1987). These editions are incorporated by reference and include no later editions or amendments.

g) Curriculum-Subject-Headings-

- 1) Purpose-and-Objectives
- 2) Laws,-Codes-and-Ordinances
- 3) Occupancy
- 4) Building-Construction
- 5) Life-Safety-Code,-NFPA-101-(1985),-(Chapter-1-7)
- 6) Plan-Review
- 7) Field-Inspection-Techniques
- 8) Fire-Hazards-and-Causes
- 9) Fire-Protection-Systems-and-Devices
- 10) Fire-Investigations
- 11) Fire-Prevention-Education-Programs
- 12) Managing-a-Fire-Prevention-Bureau
- 13) Reference-Sources

- g) State Certification Written Examination. To be certified as a Fire Prevention Officer I, candidates must take and pass the State examination. See Section 140.8. Prerequisite for taking Fire Prevention Officer I examination is successful completion of Bypass examination or certification as Firefighter III.

(Source: Amended at III. , effective )

Section 140.180 Fire Prevention Education Officer II



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Professional qualifications for Fire Prevention Education Officer II are identified in the NFPA 1035 (1972/1987), Chapter 9, hereby incorporated by reference. The Office defines the Fire Prevention Education Officer II as an individual serving in a fire department or allied agency with primary responsibility for the development and dissemination of fire prevention education materials and programs.

a) Prerequisites. Fire Prevention Education Officer II certification is granted to those individuals who have achieved the following:

- 1) Certification as a Fire Prevention Officer I.
- 2) Attainment of three years of documented fire prevention experience.
- 3) Successful completion of five 3-semester-hour credit course or courses meeting the objectives in NFPA 1035, (1987), Chapter 4, of equivalent---(40---student---contact---hours---minimum)---individuals---must---have---the---following---required---courses---or equivalent---courses:--
  - A) Fire-Service-Instructor-II-certification
  - B) Fire-Prevention-Education-Methodology
  - C) Management-III
  - D) Management-IV
  - E) A-course-in-motivation-or-organizational-psychology-

b) Funding Hours. A maximum of 270240 hours is available for reimbursement funding with no more than 5448 hours for each of the 5 courses required in 140.180 (a)(3). The Office will fund this level of education only one time. Candidates must be certified as a Fire Prevention Officer I to qualify for reimbursement funding.

- c) Equivalent courses. See Section 140.70(c) for requirements.
- d) Instructor Requirements. See Section 140.171(d).
- e) Facility Certification and Delivery Systems. See Section 140.171(e).
- f) The curriculum is contained in course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1035, Professional Qualifications for Public Fire Educator (1987), Chapter 4. This standard is incorporated by reference and contains no later editions or amendments.

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f) Curriculum-Subject-Headings-

- 1) Fire-Services-Instructor-II---See-Section-140-140-
- 2) Fire-Prevention-Education-Methodology

A) Fire-Education-Audio-Visual-Resources

B) Fire-Safety-Education-Issues

C) Public-Education-Master-Planning-for-Fire-Safety

D) Public-Issues-and-Fire-Safety-Awareness

E) Motivational-Psychology-and-Fire-Safety

3) Management-III---See-Section-140-80(f)-

4) Management-IV---See-Section-140-80(f)-

5) A-course-in-motivational-or-organizational-psychology-

(Source: Amended at Ill. Reg. , effective )

## Section 140.185 Fire Prevention Education Officer III

Professional qualifications for Fire Prevention Education Officer III are identified in NFPA 1035 (1987), Chapter 5, 1031-1072, Chapter 10, hereby incorporated by reference. The Office defines the Fire Prevention Education Officer III as a person serving in a fire department or allied agency assigned supervisory and administrative responsibilities within a public fire education program.

a) Prerequisites. Fire Prevention Education Officer III certification is granted to those individuals who have met the following qualifications:

- 1) Certification as a Fire Prevention Education Officer II.
- 2) Attainment of five years of documented fire prevention experience with two years in fire education.
- 3) Successful completion of the six management courses required for Fire Officer III certification or provide proof of equivalent courses. See Section 140.90(a)(3).
- b) Funding Hours. A maximum of 324288 hours is available for reimbursement funding. The Office will fund this level of education only one time. No funding is available for repeat courses.



Candidates must be certified as a Fire Prevention Education Officer II prior to taking these courses to qualify for reimbursement funding, with no more than 5448 hours being allowed for each of the 6 required courses in Section 140.185(a)(3).

- c) Equivalent Courses. See Section 140.70(c) for requirements.
- d) Instructor Requirements. See Section 140.171(d).
- e) Facility Certification and Delivery Systems. See Section 140.171(e).
- f) Curriculum Subject Headings. See Section 140.90(f).

(Source: Amended at Ill. Reg. , effective )

#### Section 140.190 Bypass Examination

a) This examination is provided for special fire and police personnel and allied field agencies who are charged with duties governing fire prevention, fire inspection, fire investigation, and arson investigation, but who do not have, or will not be assigned fire suppression duties and/or responsibilities. Recognition of this condition in the State Training and Certification Program is accomplished through the implementation of the Bypass examination. Firefighter Bypass Examination is limited to personnel identified as fire protection non-sworn personnel and the law enforcement personnel seeking Arson Investigator certification. This examination does not provide state certification as a Firefighter, but provides a method for individuals who have not received Firefighter II certification to participate in the Fire Prevention Officer I, Fire Investigator, and Arson Investigator programs for certification and funding by the Office.

#### b) Examination Procedures

- 1) All state written examinations will be given by the Office of the State Fire Marshal.
- 2) At least 30 days prior to the anticipated day for testing, the Fire or Police Chief will submit to the Office of the State Fire Marshal a "Request for Examination" form. The Office of the State Fire Marshal will endeavor to schedule examinations throughout the State as requested.
- c) The Bypass Examination will consist of multiple-choice items in the following subject areas.

- 1) Fire Behavior

- 2) Portable Fire Extinguishers
- 3) Communications

#### 34) Self Contained Breathing Apparatus (SCBA)

#### 4) Personal Safety

#### 5) Water Supply

#### 55) Forcible Entry

#### 6) Salvage

#### 7) Overhaul

#### 8) Ventilation Sprinkler-Systems

#### 9) Sprinkler Systems Ventilation

#### 10) Fire Inspections

#### 11) Fire Cause and Origin

#### 12 Hazardous Materials

#### d) Individuals choosing to take this examination must:

- 1) Sign the Request for Examination form submitted to the Office of the State Fire Marshal by the respective Chief.
- 2) Plan to enter into the training program for Fire Prevention Officer I, or Fire Investigator or Arson Investigator.

e) No funding is provided for salary, travel, lodging or other expenses associated with the study for or the taking of this examination.

Source: Amended at Ill. Reg. , effective )

#### Section 140.200 Fire Investigator

The Illinois program does not recognize rank as equivalent to the various levels of Fire Investigator because it is not possible to insure that every rank used by local fire departments or allied field agencies to identify persons serving as Fire Investigators would be consistent throughout the State. The Office of the State Fire Marshal defines Fire Investigator as an individual, serving in an agency or a fire department, specifically responsible for the investigation of fire incidents. The term synonymous with Fire Investigator is Technical Specialist.



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a) Prerequisites for Certification as Fire Investigator. Individuals wishing to be certified as a Fire Investigator must:

- 1) be a Certified Firefighter II (See Section 140.50), or successfully take complete the Bypass Examination (See Section 140.190).
- 2) successfully complete the Fire Investigator course consisting of three Modules, or Modules I & II and the Arson Investigator Course (See Section 140.210).

b) Funding Hours. A maximum of 120 hours is available for reimbursement funding. All programs can be funded only one time. No funding is available for repeat courses. All persons for whom reimbursement is sought must be Certified as a Firefighter II or above or have successfully completed the Bypass Examination prior to commencement of the program's courses, and must be employed as fire protection personnel by a participating local governmental agency.

c) Curriculum: Subject Headings.

The Fire Investigator course is based upon three modules. Modules I and II must be taken consecutively. Module III is designed for those persons who do not intend to take the Arson Investigator Course. Topics of the course and outline are contained in the book entitled Fire Arson Investigation published by the Illinois Fire Service Institute in cooperation with the Illinois Office of the State Fire Marshal, the University of Illinois Police Training Institute and the Illinois Local Government Law Enforcement Officer's Training Board, (1988).

1) Module I---Fire Science-(minimum-32-hours)

- A) Fire-Behavior
- B) Sketching
- C) Building-Codes
- D) Building-Construction
- E) Automatic-Systems---Sprinklers-&-Alarms
- F) Sources-of-Fire-Ignition
- G) Patterns-of-Structural-Fires
- H) Purposes-and-Plan-of-Fire-Investigation

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1) Determining-Cause-and-Origin

J) Indications-of-Arson

K) Field-Demonstrations

2) Module II---Arson-Investigation-(minimum-32-hours)

A) Basic-Field-Interviewing

B) Insurance-Information

C) Property-Insurance-Loss-Register

D) National-Fire-Incident-Reporting-System

E) Legal-Aspects

F) Motivation-of-the-Fire-Setter

G) Field-Problem-and-Reporting-Procedure

H) Explosives-and-Incendiary-Devices

3) Module III---Arson-Intelligence-Systems-(minimum-32-hours)

A) Intelligence-Systems

B) Crime-Laboratory

C) Interviews-and-Communications-Techniques

D) Fatal-Fires

E) Photography

F) Arson-for-Profit

d) Instructor Requirements

Approval will be granted upon proof of the following: experience, education and/or training indicating competence in the technical area to be taught. In making the determination of competency, the Office shall consider, but is not limited to, transcripts, certificates, job descriptions or other evidence of experience and training.

e) Facility Certification and Delivery Systems



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- 1) Courses will be approved if they meet all rules and regulations established by the Office of the State Fire Marshal regarding curricula, student control, examinations, financial records maintenance and instructor qualifications and have the physical resources necessary for the course.
- 2) Due to the sensitive nature of the material, no approval for course or facilities will be given if the course is offered to persons other than fire or allied field agencies.
- f) Examination Procedures and Standards. Only those courses which conclude with a written examination will be approved for reimbursement funding. There is no specific number of questions required at the end of the course. Questions are to be developed by the school authority or teacher. All questions are to be keyed directly to the material contained in the course outline and should be constructed in such a manner as to test the student's knowledge and retention of the material to which the student has been exposed in the course. A seventy (70%) percent score is required to pass. There is no state standardized objective, cognitive examination for certification at this level. School authorities are required to submit end-of-course examinations to the Office for approval, prior to administration. Since the purpose of the written exam is to test retention, open book and other similar exams are not acceptable. A minimum of eighty (80%) percent of the end-of-course examination must use objective test items.

## g) Fire Investigator Equivalent Courses

Successful completion of one of the following equivalencies:

- 1) "80 hour Basic Arson Investigator Course" and "40 hour Advanced Arson Investigator Course" sponsored jointly by the Office, Illinois Department of Law Enforcement, Fire Service Institute and the Police Training Institute;
- 2) National Fire Academy Fire Arson Investigator course of at least 96 hours prior to October 1, 1984;
- 3) National Fire Academy Fire Arson Investigator course of 80 hours after October 1, 1984, and Module III offered by Fire Service Institute.

Only persons who meet these equivalencies and who meet the requirements of subsection 140.200(a)(1) may apply for certification under this subsection.

(Source: Amended at Ill. Reg. , effective )

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## Section 140.210 Arson Investigator

The Illinois program does not recognize rank as equivalent to the various levels of Arson Investigator because it is not possible to insure that every rank used by local fire and police departments or allied field agencies to identify persons serving as Arson Investigators would be consistent throughout the State. The Office of the State Fire Marshal defines Arson Investigator as an individual, who is a full-time paid and sworn employee of the Office or a local governmental agency, specifically responsible for the investigation of suspected arson fire incidents.

- a) Prerequisites for Certification as an Arson Investigator.  
Individuals wishing to be certified as an Arson Investigator must:
  - 1) Meet the requirement in Section 140.200 (a) (1); ~~or be employed by the Office as a Director of Division of Arson Investigation, Fire Inspector II or III, Fire Investigator I or II, Deputy Director, or State Fire Marshal prior to July 1, 1985; and~~
  - 2) Have successfully completed Modules I and II of the Fire Investigator Course, or equivalent course; (See Section 140.200 (g); and
  - 3) Successfully complete an Arson Investigator course approved by the Office of the State Fire Marshal and the Illinois Local Governmental Law Enforcement Officer's Training Board, or provide proof of equivalent courses to be evaluated by the Executive Director of the Illinois Local Governmental Law Enforcement Officer's Training Board; ~~in the case of office employees, course equivalents will be evaluated by the Illinois Department of State Police;~~
  - 4) Be employed full-time by a local governmental agency, the Office, or other organization investigating fires and explosions believed to be arson.
- b) Funding Hours. A maximum of 260 hours is available for reimbursement funding for fire protection personnel. All courses can be funded only one time. No funding is available for repeat courses. All persons for whom reimbursement funding is sought must be certified as a Fire Investigator and have completed Modules I and II or an equivalent course prior to commencement of the program's courses.
- c) Curriculum Subject Headings. ~~The minimum number of hours for the course is 260.~~
  - 1) Legal Issues



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- 2) Human Behavior
- 3) Police Functions
- 4) Case Processing and Development
- 5) Investigations
- 6) Firearms and Physical Training
- d) Instructor Requirements. Instructors must have demonstrated experience and education in the technical areas to be taught and must be approved by the Office of the State Fire Marshal and the Illinois Local Governmental Law Enforcement Officer's Training Board prior to the course offering.
- e) Facility Certification and Delivery Systems. (See Section 140.200 (e).)
- f) Examination Procedures.
  - 1) See Section 140.200 (f) for written examinations.
  - 2) Upon successful completion of the Firearms and Physical Training portion of the Arson Investigator program, records of completion should be forwarded to the Illinois Local Governmental Law Enforcement Officer's Training Board for personnel of fire and police departments or allied field agencies who will review the records and issue appropriate firearms training certificates.
  - g) The Office will issue the Arson Investigator certificate upon receipts of firearms, physical training, and all other documents from the Illinois Dept. of State Police, or the Illinois Local Governmental Law Enforcement Officers Training Board.

(Source: Amended at Ill. Reg. , effective )

## Section 140.215 Fire Prevention Inspector II

Professional qualifications for Fire Prevention Inspector II are identified in the NFPA 1031 (1987), Chapter 4, (1977)--Chapter 5,--hereby incorporated by reference. The Office defines the Fire Prevention Inspector II as a person serving in a fire department or allied agency assigned fire inspection and supervisory responsibilities. The term synonymous with Fire Prevention Inspector II is Senior Technician.

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- a) Prerequisites. Fire Prevention Inspector II certification is granted to those individuals who have met the following qualifications:
  - 1) Fire Prevention Officer I certification.
  - 2) Attainment of three years of documented experience in fire inspection.
  - 3) Successful completion of a course or five--3--semester--hour--credit--courses meeting the objectives specified in NFPA 1031, (1987), Chapter 4, or--provide--proof--of--equivalent--courses--(40--student--contact--hours--minimum)----Individuals--must--have--the--following--required--courses--or--equivalent--courses:
    - A) Fire-Service-Instructor-II
    - B) Management-III
    - C) Management-IV
    - D) Technical-Factors-I
    - E) Technical-Factors-II
  - 4) Successful completion of the State Written examination on Technical Factors I and II.
  - 5) Prerequisite for taking Inspector II Examination is successful completion of Fire Prevention Officer I state written examination.
  - b) Funding Hours. A maximum of 270240 hours is available for reimbursement funding with no more than 5448 hours allowed for each course required in 140.215(a)(3). The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Prevention Officer I to qualify for reimbursement funding.
  - c) Equivalent Courses.
    - 1) See Section 140.70 (c) for requirements.
    - 2) When an individual is awarded equivalency credit for Technical Factors I and II, the individual will be allowed to take the State written examination one time. Failure of the State written examination will invalidate the equivalency evaluation for Technical Factors I and II and require the individual to successfully complete both courses prior to taking the State written examination a second time.



- d) Instructor Requirements.
- 1) For Fire Service Instructor II, Management III and Management IV, See Section 140.171 (d).

2) For Technical Factors I and II, an instructor:

A) Must be certified as both a Fire Service Instructor II and a Fire Prevention Officer I;

B) Or must obtain the approval of both the Office and the Illinois Fire Inspector's Association. This approval will be granted to legal and technical specialists on the basis of credentials review.
- e) Facility Certification and Delivery Systems. See Section 140.171 (e).
- f) The curriculum is contained in a course or courses covering knowledge and skill objectives and depth of coverage listed in NFPA 1031. (1987) Chapter 4, hereby incorporated by reference, and containing no later editions or amendments.
- g) Curriculum Subject Headings.
- 1) Fire Service Instructor II. See Section 140.140.

2) Management III. See Section 140.80-(f).

3) Management IV. See Section 140.80-(f).

4) Technical Factors-I

A) Laws, Codes and Ordinances

B) New Code Development

C) Building Codes

D) Plan Review

5) Technical Factors-II

A) Life Safety Code, NFPA-101-(1985)-(Chapter-8-17)

B) Hazards and Causes

C) Fire Education-Planning

D) Legal Factors-of-Bureau-Management
- g) State Certification Written Examination.
- 1) To be certified as a Fire Prevention Inspector II, candidates must take and pass the State examination on Technical Factors I and II. Section 140.8.

2) Certification as a Fire Prevention Officer I is a prerequisite to taking written examination.
- (Source: Amended at Ill. Reg. , effective )
- Section 140.220 Fire Prevention Inspector III
- Professional qualifications for Fire Prevention Inspector III are identified in the NFPA 1031 (1977-1987), Chapter 65, hereby incorporated by reference. The Office defines the Fire Prevention Inspector III as a person serving in a fire department or allied agency assigned primarily supervisory and administrative responsibilities within a fire prevention bureau.
- a) Prerequisites. Fire Prevention Inspector III certification is granted to those individuals who have met the following qualifications:

1) Certification as a Fire Prevention Inspector II.

2) Attainment of five years of documented experience in fire inspection.

3) Successful completion of the six management courses required for Fire Officer III or provide proof of equivalent courses. See Section 140.90 (a)(3).
- b) Funding Hours. A maximum of 324288 hours is available for reimbursement funding with no more than 5448 hours allowed for each of the 6 courses in 140.90 (a)(3). The Office will fund this level of education only one time. No funding is available for repeat courses. Candidates must be certified as a Fire Prevention Inspector II to qualify for reimbursement funding.
- c) Equivalent Courses. See Section 140.70 (c) for requirements.
- d) Instructor Requirements. See Section 140.171 (d).
- e) Facility Certification and Delivery Systems. See Section 140.171 (e).
- f) Curriculum Subject Headings. See Section 140.90 (f).
- (Source: Amended at Ill. Reg. , effective )



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## Section 140.230 Hazardous Materials First Responder (HM I)

First responders are divided into two levels of competency: First Responder Awareness and First Responder Operational. First Responders shall be trained to meet requirements of Federal Occupational Safety and Health Administration (OSHA) or Federal Environmental Protection Agency (EPA), whichever is appropriate for their jurisdiction.

First responders at the awareness level are individuals who are likely to witness or discover a hazardous substance release and who have been trained to initiate an emergency response sequence by notifying the proper authorities of the release. They would take no further action beyond notifying the authorities of the release.

First responders at the operations level are individuals who respond to releases or potential releases of hazardous substances as part of the initial response to the site for the purpose of protecting nearby persons, property, or the environment from the effects of the release. They are trained to respond in a defensive fashion without actually trying to stop the release. Their function is to contain the release from a safe distance, keep it from spreading, and prevent exposures.

Professional qualifications for First Responder are identified in NFPA 472, (1989) Standard for Professional Competence of Responders to Hazardous Materials Incidents, Chapter 2, hereby incorporated by reference and containing no later standard or reference.

Hazardous Materials-I is designed as an introductory step in the Hazardous Materials program which is defined by the Office as the basic training requirement for fire protection personnel.

Hazardous Materials First Responder is designed as the introductory step in the concept of all knowledge and skills required to safely mitigate an incident and is defined as meeting the requirement for fire protection personnel under 29 CFR 1910.120.

- a) Prerequisites - First Responder Certification Hazardous Materials-I is granted to those persons who have met the following qualifications.

- 1) Certification as a Firefighter II
- 2) Successful completion of a 40-hour course consisting of 8 hours Hazardous Materials First Responder Awareness and 32 hours Hazardous Materials First Responder Operational, including passage of local testing including practical and the State written examination.
- 3) Prerequisite for taking state written exam is Firefighter II certification.

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- b) Funding. A maximum of 4954 hours is available for reimbursement funding. The Office will fund this level of training only one time.

## c) Instructor Requirements

- 1) Certified Fire Service Instructor I and Certified First Responder (Hazardous Materials I). Successful completion of required courses for First Responder (Hazardous Material I) is prerequisite.
- 2) ~~Fire Service Instructor-I who has taken Hazardous Materials-I course may teach one time only before becoming certified as Hazardous Materials-I by taking the state exam at the end of the course.~~
- d) Facility Certification and delivery system. Educational institutions and fire departments desiring to offer the First Responder Hazardous Materials-I program will be required to:

- 1) File Course Approval forms, See Section 140.15.

- 2) Use a facility which has a classroom and the equipment needed to complete the Student Performance Objectives ~~possesses the minimum required resources.~~ (See Section 140.12).

A) Course description. The course is described as a specialized course to provide those persons, whose duties include responding to the scene of emergencies that may involve hazardous materials with competencies to respond safely to hazardous materials incidents. Course objectives are identified in NFPA 472. Standard for Professional Competence of Responders to Hazardous Materials Incidents (1989) Chapter 2, hereby incorporated by reference and including no later standards or amendments in fire protection dealing with highway transportation, waterways, aircraft, and fixed facilities. ~~The curriculum subject headings for this program are:~~

- 1) Fire Chemistry
- 2) Hazardous Materials Classification
- 3) Basic Hazardous Materials Classification
- 4) Shipping Containers
- 5) D.O.T. Placard and Labeling Systems



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- 6) How-to-Obtain-Technical-Assistance
- 7) Duties-and-Responsibilities
- 8) Fire-Department-Terminology
- 9) Familiarization-with-all-Reference-Literature-and Materials

B) State Certification Written Examination. To be Certified as a First Responder (HMI) Hazardous Materials--I, candidates must supply proof of passage of locally administered written and practical exams take-and pass the State written examination. See Section 140.8.

C) State Certification Practical Skill Examination

- 1) The state practical skill examination consists of a series of evolutions. Instructor should contact the Office for the practical skill package.
- 2) The state practical skill examination consists of a series of evolutions determined from NFPA 472, contained in a document published by the Office of the State Fire Marshal, Division of Personnel Standards and Education, entitled Practical Skill Examination for Hazardous Materials First Responder.

The authorized instructor should contact the Office for this practical skill examination.

- 3) After the practical examination is completed and scored by the Instructor, a copy of the evaluation checklist must be sent to the Office for inclusion in the student's file. Written scores will not be released by the Office until practical scores are received.

(Source: Amended at Ill. Reg. , effective )

Section 140.240 Hazardous Materials II Technician (HM II)

Hazardous Materials II Technician is designed for the training and development of Hazardous Materials Response Team Members. Hazardous Materials Technicians are individuals who respond to releases or potential releases for the purpose of stopping the release. They assume a more aggressive role than a first responder at the operations level in that they will approach the point of release in order to plug, patch or otherwise stop the release of a hazardous substance.

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Technicians shall be trained to meet requirements of Federal Occupational Safety and Health Administration (OSHA) or Federal Environmental Protection Agency (EPA), whichever is appropriate for their jurisdiction. This program is designed to meet the requirements of 29 CFR 1910.120.

Professional qualifications for Technician are identified in NFPA 472 (1989) Standard for Professional Competence of Responders to Hazardous Materials Incidents, Chapter 3, hereby incorporated by reference and containing no later standard or reference.

a) Prerequisites - Hazardous Materials II Technician is granted to those persons who have met the following qualifications.

- 1) Certification as a Hazardous Materials First Responder (HM I);
- 2) Successful completion of the 40-hour--Hazardous Material Technician (Hazardous Materials Response Team module, Hazardous Materials II course); and
- 3) Be a Certified Firefighter III. A Certified Firefighter II may take the Hazardous Materials II Technician (HM II) training as part of the 600 hour Firefighter III program; however, Hazardous Materials Technician (HM II) certification will not be awarded until the individual has achieved Firefighter III certification.

- 4) You must be certified Firefighter III and certified First Responder to take exam.

b) Funding

- 1) A maximum of 5440 hours is available for reimbursement funding for Hazardous Materials Technician (HM II). The Office will fund this level of training only one time. If not a Firefighter III, hours may be used for Firefighter III.
- 2) Hours accumulated toward Hazardous Materials II Technician certification while a person is a Firefighter II will be subtracted from the 600 hours available for Firefighter III reimbursement funding.

c) Instructor Requirements

- 1) Certified Fire Service Instructor II and Certified Hazardous Materials Technician (HM II).
- 2) Fire Service Instructor II who has taken Hazardous Materials II course may teach one-time-only-before-becoming-certified-as Hazardous Materials II by taking the state exam at the end of the course.



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- d) Facility Certification and delivery systems. Educational Institutions and fire departments desiring to offer the Hazardous Materials Technician (HM II) program will be required to:

- 1) File Course Approval forms, See Section 140.15
- 2) Use a facility which has a classroom and the equipment needed to complete the Student Performance Objectives
- 3) Records and established procedures. See Section 140.12

- e) Course description. Hazardous Materials Technician provides a learning experience of chemicals and the hazards associated with it and will provide also a more in-depth instruction in how to safely control and mitigate a hazardous materials incident. The course objectives are identified in NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents, (1989) Chapter 2, hereby incorporated by reference and including no later editions or amendments. The curriculum subject headings are listed below:

- 1) Response Team
- 2) Personal Safety
- 3) Special Protective Clothing
- 4) Decontamination
- 5) Monitoring Devices
- 6) Emergency Response Procedures

## A) Fixed facilities

## B) Railroad Accidents

## C) Truck Accidents

## 7) Leak Control Procedures

## 8) Spill Control Procedures

## 9) Vapor Suppression

## 10) Cleanup of Hazardous Materials Spills

- f) State Certification Practical Skill Examination

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- 1) The state practical skill examination consists of a series of evaluations governing mitigation of a hazardous materials incident. Instructors should contact the Office for the practical skill package.

- 2) The state practical skill examination consists of a series of evaluations determined from NFPA 472, contained in a document published by the Office of the State Fire Marshal, Division of Personnel Standards and Education, entitled Practical Skill Examination for Hazardous Materials Technician.

- 2) Authorized instructors should contact the Office for this practical skill examination.

- 23) All practical skill examinations must be administered by a Certified Hazardous Materials Technician.

- 34) After the Practical examination is completed and scored by the Instructor, a copy of the evaluation checklist must be sent to the Office for inclusion in the student's file.

- g) State Certification Written Examination. To be Certified as a Hazardous Materials Technician, candidates must take and pass the State written examination. See Section 140.8. Request for exam must be signed by a Fire Service Instructor II who is also a Certified Hazardous Materials Technician. See Section 140.8. Prerequisite for taking state examination is certification as Hazardous Materials First Responder (HM I).

(Source: Amended at Ill. Reg. , effective )

## Section 140.250 Hazardous Materials Specialist (HM III)

Hazardous Materials Specialist is designed for the response team members, in order to give those persons a much broader understanding of Hazardous Chemicals, and the hazards associated with them.

Specialists shall be trained to meet requirements of Federal Occupational Safety and Health Administration (OSHA) or Federal Environmental Protection Agency (EPA), whichever is appropriate for their jurisdiction. This program is designed to meet the requirements of 29 CFR 1910.120.

Professional qualifications for Specialist are identified in NFPA 472 (1989) Standard for Professional Competence of Responders to Hazardous Materials Incidents, Chapter 4, hereby incorporated by reference and containing no later standard or reference.



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a) Prerequisites - Hazardous Materials Specialist~~III~~ is granted to those persons who have met the following qualifications:

- 1) Certification as a Hazardous Materials Technician~~II~~.
- 2) Successful completion of Hazardous Materials Specialist~~III~~ course~~module on chemistry~~.
- b) Funding. A maximum of 5480 hours is available for reimbursement funding. The Office will fund this level of training only one time. Must be certified as Hazardous Materials Technician prior to taking this course to claim for funding.

c) Instructor Requirements

- 1) Certified Fire Service Instructor II and Certified Hazardous Materials Specialist~~III~~.
- 2) Fire Service Instructor~~II~~ who has taken Hazardous Materials~~III~~ course may teach one time only before becoming certified as Hazardous Materials~~III~~ by taking the state exam at the end of the course.

d) Facility Certification and delivery systems. Local Fire Departments, Fire Service Institute and Community Colleges desiring to offer the Hazardous Materials Specialist~~III~~ program will be required to:

- 1) File Course Approval forms, See Section 140.15
- 2) Use a facility which possesses a classroom and the equipment necessary to complete the Student Performance Objectives
- 3) Maintain records and established procedures, See Section 140.12

e) Course description. Hazardous Materials Specialist~~III~~ provides a broad understanding of hazardous chemicals and the hazards associated with them. The curriculum subject headings are listed below. The course objectives are identified in NFPA 472, Standard for Professional Competence of Responder to Hazardous Materials Incidents (1989) Chapter 3, hereby incorporated by reference and including no later editions or amendments.

Subject Areas	
Salts	Compounds
Peroxides	Hydro-Carbons
Non-Salts	Mixtures

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Oxidizers	Organic-Compounds
Chemical-Formulas	Chemical-Properties
Chemical-Characteristics	Inorganic-Compounds

f) State Certification Written Examination. To be Certified as a Hazardous Materials Specialist~~III~~, candidates must take and pass the State written examination. See Section 140.8. Prerequisite for taking state examination is certification as Hazardous Materials Technician.

(Source: Amended at III. Reg. , effective )

Section 140.260 Chemistry of Hazardous Materials

Chemistry of Hazardous Materials is designed to give first responders a much broader understanding of the chemistry and toxicology of hazardous materials.

Professional qualifications for the course are identified in NFPA 472 (1989) Standard for Professional Competence of Responders to Hazardous Materials Incidents. Chapters 3 and 4, hereby incorporated by reference and containing no later standard or reference.

a) Prerequisites

- 1) Hazardous Materials First Responder certification
- 2) Successful completion of course on chemistry of hazardous materials.

b) Funding. A maximum of 80 hours is available for reimbursement funding. The Office will fund this level of training only one time. Must be certified Hazardous Materials First Responder prior to taking this course to claim for funding.

c) Instructor requirements (must have two instructors)

- Option one: two National Fire Academy Instructors
- Option two: One individual who is Fire Service Instructor II, certified Hazardous Materials Specialist AND one expert in Chemistry

(Source: Added at III. Reg. , effective )

Section 140.290 Hazardous Materials Refresher Training

a) The Office recognizes the value of continuing training and education as being critical for maintaining proficiency in all levels of certification. Although continuing education is not required to maintain certification, once certification has been achieved,



~~additional training is highly recommended in the amounts specified in the following schedule.~~

- b) ~~The maximum reimbursement funding available for refresher training is also specified in the following schedule.~~

Level of Certification	Hours of Training Recommended	Annual Reimbursement Funding Allowed	
		Firefighter-II	Firefighter-III
Firefighter-II	60 hours	None	None
Firefighter-III	240 hours	None	None
Aspirant Firefighter	48 hours	None	None
Fire Officer-III	96 hours	None	None

United States Department of Labor, Occupational Safety and Health Administration, 29 CFR Part 1910.120, Part III, requires "annual refresher training of sufficient content and duration to maintain their competency, or shall demonstrate competency in those areas at least yearly. A statement shall be made of the training or competency, and if a statement of competency is made, the employer shall keep a record of the methodology used to demonstrate competency."

Because of the uniqueness of this type of training, refresher training in hazardous materials will be funded for specific training meeting any of the objectives in NFPA 472, (1989) Standard for Professional Competence of Responders to Hazardous Materials Incidents, hereby incorporated by reference and including no later standard or edition or the objectives listed in the certification course for First Responder, Technician, Specialist or the Chemistry course.

- a) Prerequisites - Hazardous Materials First Responder certification
- b) Funding - a maximum of 40 hours is available for reimbursement funding annually.
- c) Funding claimed for Hazardous Materials refresher training cannot be claimed for any other certification.
- d) Records must be maintained and established procedures followed.

(Source: Section repealed, new section adopted at 14 Ill. Reg. effective )

#### Section 140.325 Amount of Reimbursement

The Office will reimburse up to 50 percent of the following costs:

- a) Salary

- 1) Salary, according to an opinion from the Attorney General, is that sum actually paid to a trainee while in school by the employer (Local Governmental Agency). It does not include employer contributions to insurance and pension programs, but does include contributions deducted from a trainee's salary for insurance and retirement.

- 2) The formula for computing a trainee's hourly salary is YEARLY SALARY DIVIDED BY THE NUMBER OF HOURS FOR WHICH PAID. It is realized that hourly shifts may vary from 40 to 56 or more hours per week. In such instances, the formula should be adjusted to most nearly reflect the above definition.

- 3) If there is a variation in an individual's salary or between firefighters of equal grade, the claimant should explain these variations on the claim form, e.g.,

Promotion	100 hours @ \$4.65
	50 hours @ \$5.28
OR	
1 1/2 time overtime	100 hours @ \$4.65
	50 hours @ \$6.98

- b) Tuition and/or registration fees.
- c) Food, not to exceed State Travel Regulations as promulgated by the Governor's Travel Control Board.
- d) Transportation costs, not to exceed State Travel Regulations as promulgated by the Governor's Travel Control Board.

- 1) If the course is five or more consecutive days and lodging is available (availability means that hotels, motels, dormitories, or other sleeping facilities may be hired for overnight lodging in the nearby vicinity), the Office will only reimburse for only one round trip to the training center per course week for the duration of the course.

- 2) If the course is offered on non-consecutive days, the Office will reimburse round trip transportation costs for each day.

- 3) If the course is offered on consecutive days (e.g., Saturday and Sunday) and overnight lodging is available, the Office will reimburse for only one round trip per consecutive day period (e.g., six round trips for a course offered on six consecutive weekends).



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- A) If the travel distance is less than 50 miles, the Office will only reimburse for each round trip.
- B) If the travel distance is 50 miles or greater and lodging is available, the Office will reimburse for one round trip and lodging costs per consecutive day period.
- 4) When more than one person from a department shares a ride to a training location with another individual, reimbursement will be provided for only one vehicle (i.e., reimbursement for mileage will only be provided for one person when two or more persons travel together, as in car pools).
- e) Lodging, not to exceed lodging costs approved by the State Travel Regulations as promulgated by the Governor's Travel Control Board.
- f) The Office will reimburse for other expenses in the amount authorized for Office employees by the State Travel Regulations as promulgated by the Governor's Travel Control Board, or the amount requested by the local governmental agency or individual whichever is less.
- g) For the figures in effect for a given fiscal year, individuals, municipalities and Fire Protection Districts should contact the Office for a copy of the applicable travel regulations promulgated by the Department of Central Management Services and approved by the Governor's Travel Control Board, or their successors, for the fiscal year.

(Source: Amended at Ill. Reg. , effective )

## Section 140.390 Advisory Committees

- (a) The Office shall establish standing committees and, from time to time, ad hoc committees to advise the Office on training programs.
  - (1) Ad hoc committees shall be made up of members of each of the organizations which have ex-officio members on the Illinois Fire Advisory Commission, the Illinois Society of Fire Service Instructors and the Illinois Community College Board.
- (A) Each organization shall have at least one member.
- (B) The chairman, President or head of each of the identified organizations listed under subsection (1) shall be contacted as to whom he or she desires to have serve on any given committee. In the case of the Illinois Fire Service Institute it will be the Director who will be solicited for persons to serve.

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- (i) Because each committee will deal with specific areas of expertise, the solicitation will be based on specific qualifications. Committee members shall also be solicited from various geographical areas of the state when possible, to insure input reflecting a general consensus of the total fire service.
- (ii) In considering member appointments to committees, the Division will not rely on an individual's rank in a given department, but will concentrate on that individual's area of responsibility and his or her level of certification.
- (C) Committees shall not exceed 15 members, excluding employees of the State of Illinois.
- (D) Committees shall be established by the Deputy State Fire Marshal of the Division of Personnel Standards & Education when a problem or issue arises in an area of firefighter training not covered by a standing committee, or when creation of a new program is under consideration. Each committee shall be designated a specific duty and area of responsibility.
- (2) The following standing committees are hereby created.
  - (A) Fire Officers Committee - review applications and programs for Fire Officer certification;
  - (B) Technical Review Committee - review curriculum and proposals for new programs and evaluate existing ones;
  - (C) Hazardous Materials Committee - develop and evaluate Hazardous Materials training program;
  - (D) Item Review Committee - develop and evaluate exams for all levels of firefighter (I, II and III);
  - (E) Instructors Committee - establish criteria and curriculum for all levels of Instructors;
  - (F) Fire Prevention and Investigation Committee - develop curriculum for these areas of certification;
  - (G) Airport Firefighter Committee - develop curriculum for Airport Firefighters;



- (H) ~~Safety-and-Evolution-Committee---develop-safety-practice and-evolution-requirements-for-firefighters~~
- (HL) Fire Apparatus Engineer Committee - develop curriculum and study guide for this field;
- (J) ~~Rescue-Committee---develop-and-evaluate-all-rescue techniques-and-training-that-are-peculiar-to-the-fire service.~~
- (b) Committees shall advise the Deputy State Fire Marshal of Personnel Standards & Education on programs, procedures, courses, and other matters relating to the Illinois Fire Protection Training Act within the duties and areas designated. The committees are advisory only, and advice will be:
- (1) Subject to review and analysis by personnel of the Office prior to decision making.
- (2) The committees and their individual members shall not have the authority to bind the Office or make determinations that would confer a benefit or impose a duty upon the Office, the State of Illinois, any employee thereof, nor upon any other person or governmental body.
- (3) Committees shall meet only at the direction of Deputy State Fire Marshal, Personnel Standards & Education.
- (c) Committee members shall be deemed independent contractors and shall not be paid for their services, but shall be reimbursed for their travel in the amount allowed by the Governor's Travel Control Board, 80 Ill. Adm. Code 2800.

(Source: Amended Ill. Reg. , effective )

- 1) The Heading of the Part: MEDICAL PAYMENT
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: Proposed Action: Amendment 140.413
- 4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-5.1 et seq. and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking places certain limitations on the provision of maternity care for which the Department will pay.
- 6) Will this Proposed Amendment replace an Emergency Amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? Yes X No
- 8) Does this Proposed Amendment contain incorporations by reference? No
- 9) Are there any other Proposed Amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | Illinois Register Citation              |
|-----------------|-----------------|---|
| 140.400         | Amendment       | February 2, 1990 (14 Ill. Reg. 1737)    |
| 140.420         | Amendment       | January 26, 1990 (14 Ill. Reg. 1570)    |
| 140.421         | Amendment       | January 26, 1990 (14 Ill. Reg. 1570)    |
| 140.428         | Amendment       | September 15, 1989 (13 Ill. Reg. 14265) |
| 140.429         | Repealed        | September 15, 1989 (13 Ill. Reg. 14265) |
| 140.435         | Amendment       | February 2, 1990 (14 Ill. Reg. 1737)    |



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Section Numbers	Proposed Action	Illinois Register Citation
140.436	Amendment	February 2, 1990 (14 Ill. Reg. 1737)
140.475	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.476	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.477	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.478	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.479	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.480	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.481	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.525	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.526	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.528	Amendment	November 17, 1989 (13 Ill. Reg. 17667)
140.542	Amendment	March 16, 1990 (14 Ill. Reg. 4415 )
140.543	Amendment	March 16, 1990 (14 Ill. Reg. 4415 )
140.544	Repealed	March 16, 1990 (14 Ill. Reg. 4415 )
140.545	Amendment	March 16, 1990 (14 Ill. Reg. 4415 )

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Section Numbers	Proposed Action	Illinois Register Citation
140.565	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.566	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.567	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.568	Repealed	November 17, 1989 (13 Ill. Reg. 17667)
140.642	Amendment	March 2, 1990 (14 Ill. Reg. 4415 )
140.646	Amendment	March 16, 1990 (14 Ill. Reg. 4415 )
140.647	Amendment	March 16, 1990 (14 Ill. Reg. 4415 )
140.648	Amendment	March 16, 1990 (14 Ill. Reg. 4415 )
140.649	Amendment	March 16, 1990 (14 Ill. Reg. 4415 )
140.650	Amendment	March 16, 1990 (14 Ill. Reg. 4415 )
140.652	Amendment	March 16, 1990 (14 Ill. Reg. 4415 )
140. Table D	Amendment	January 26, 1990 (14 Ill. Reg. 1570)
140. Table H	Amendment	March 2, 1990 (14 Ill. Reg. 3019)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be



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in writing and should be addressed to Dan Leikvold, Office of the General Counsel, Illinois Department of Public Aid, 100 South Grand Avenue East, Springfield, Illinois 62762 (217/782-1233). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

## 12) Initial Regulatory Flexibility Analysis:

- A) Date Proposed Amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 12, 1990
- B) Types of small businesses affected: Medical Providers
- C) Reporting, bookkeeping or other procedures required for compliance: No new procedures required.
- D) Types of professional skills necessary for compliance: No new skills required.

The full text of the Proposed Amendment begins on the next page:

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TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140  
MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

Section  
140.1  
140.2  
140.3

Incorporation By Reference  
Medical Assistance Programs  
Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 13 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy  
Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 13 years of age or older (Repealed)  
Covered Medical Services Under GA and AMI  
Medical Services Not Covered  
Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Infants Under Age One Year  
Medical Assistance For Qualified Severely Impaired Individuals  
Medical Assistance for a pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy  
Medical Assistance Provided to Incarcerated Persons

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## SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section  
140.11  
140.12  
140.13  
140.14

Enrollment Conditions for Medical Providers  
Participation Requirements for Medical Providers  
Definitions  
Denial of Application to Participate in the Medical Assistance Program  
Recovery of Money  
Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program  
Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

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Section		Section	
140.18	Effect of Termination on Individuals Associated with vendor	140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring Submittal of Claims	140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.20	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)	140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.21	Magnetic Tape Billings	140.350	Copayments (Recodified)
140.22	Payment of Claims	140.360	Payment Methodology (Recodified)
140.23	Payment Procedures	140.361	Non-Participating Hospitals (Recodified)
140.24	Overpayment or Underpayment of Claims	140.362	Pre July 1, 1989 Services (Recodified)
140.25	Payment to Factors Prohibited	140.363	Post June 30, 1989 Services (Recodified)
140.26	Assignment of Vendor Payments	140.364	Prepayment Review (Recodified)
140.27	Record Requirements for Medical Providers	140.365	Base Year Costs (Recodified)
140.28	Audits	140.366	Restructuring Adjustment (Recodified)
140.30	False Reporting and Other Fraudulent Activities	140.367	Inflation Adjustment (Recodified)
140.35	Prior Approval for Medical Services or Items	140.368	Volume Adjustment (Repealed)
140.40	Prior Approval in Cases of Emergency	140.369	Groupings (Recodified)
140.41	Limitation on Prior Approval	140.370	Rate Calculation (Recodified)
140.42	Post Approval for items or Services When Prior Approval Cannot Be Obtained	140.371	Payment (Recodified)
140.43	Drug Manual (Recodified)	140.372	Review Procedure (Recodified)
140.71	Drug Manual (Recodified)	140.373	Utilization (Repealed)
140.72	Drug Manual (Recodified)	140.374	Alternatives (Recodified)
140.73	Drug Manual Updates (Recodified)	140.375	Exemptions (Recodified)
		140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
		140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
		140.391	Definitions (Recodified)
		140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
		140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
		140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
		140.398	Hearings (Recodified)
			SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES
		Section	
		140.400	Payment to Practitioners and Laboratories
		140.410	Physicians' Services
		140.411	Covered Services By Physicians
		140.412	Services Not Covered By Physicians
		140.413	Limitation on Physician Services
		140.414	Requirements for Prescriptions and Dispensing of pharmacy Items - Physicians
		140.416	Optometric Services and Materials
		140.417	Limitations on Optometric Services
			SUBPART C: HOSPITAL SERVICES
		Section	
		140.94	Hospital Services (Recodified)
		140.95	Participation (Recodified)
		140.96	General Requirements (Recodified)
		140.97	Special Requirements (Recodified)
		140.98	Covered Hospital Services (Recodified)
		140.99	Hospital Services Not Covered (Recodified)
		140.100	Limitation On Hospital Services (Recodified)
		140.101	Transplants (Recodified)
		140.102	Heart Transplants (Recodified)
		140.103	Liver Transplants (Recodified)
		140.104	Bone Marrow Transplants (Recodified)
		140.110	Disproportionate Share Hospital Adjustments (Recodified)
		140.116	Payment for Inpatient Services for GA (Recodified)
		140.117	Hospital Outpatient and Clinic Services (Recodified)
		140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
		140.201	Payment for Hospital Services After June 30, 1982 (Repealed)



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140.418	Dental Services
140.420	Limitations on Dental Services
140.421	Requirements for Prescriptions and Dispensing Items of
140.422	Pharmacy Items - Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of
	Pharmacy Items - Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
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140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.460	Clinic Services
140.461	Clinic Participation Requirements
140.462	Covered Services in Clinics
140.463	Encounter Rate Clinics
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140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
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140.475	Medical Equipment, Supplies and Prosthetic Devices

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	Which Payment Will Not Be Made
140.477	Limitations on Equipment, Supplies and Prosthetic
	Devices
140.478	Prior Approval for Medical Equipment, Supplies and
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140.479	Approval of Medical Supplies
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140.487	Payment on Medichek Services
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids

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140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Continuation of Payment Because of Threat To Life
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
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140.511	Services Provided Without Charge
140.512	Utilization Control
140.513	Utilization Review Plan
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Management of Recipient Funds*
140.517	Recipient Management of Funds
140.518	Correspondent Management of Funds
140.519	Facility Management of Funds
140.520	Use or Accumulation of Funds
	Management of Recipient Funds--Local Office
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140.524	Cessation of Payment Due to Loss of License
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140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP)
140.527	Quality Incentive Survey
140.528	Payment of Quality Incentive
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140.531	General Service Costs
140.532	Health Care Costs
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140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
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140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
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140.544	Access to Cost Reports
140.545	Penalty for Failure to File Cost Reports
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140.551	General Service Costs
140.552	Nursing and Program Costs
140.553	General Administrative Costs
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140.555	Minimum Wage
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140.570	Capital Rate Component Determination
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140.574	Capital Costs for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
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140.590	Audit and Record Requirements
140.642	Long Term Care Screening Assessment
140.643	In-Home Care Program
140.645	Medical and In-Home Care For Disabled Persons Under Age 21
140.646	Reimbursement for Developmental Training for the Mentally Retarded Who Reside in Long Term Care Facilities
140.647	Description of Developmental Training Service Levels
140.648	Determination of the Amount of Reimbursement for Day Programming for the Mentally Retarded
140.649	Effective Dates of Reimbursement for Day Programs
140.650	Certification of Day Programs
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140.652	Terms of Assurances and Contracts
140.680	Effective Date of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care

## SUBPART F: POINT COUNT GUIDELINES FOR ICF/MR AND SNF/PED FACILITIES

Section	
140.850	Facility/Client Participation (Recodified)
140.855	Evaluation Of Need For Care (Recodified)
140.860	Payment (Recodified)
140.865	Definitions (Recodified)
140.870	Guidelines (Recodified)
140.875	Intermediate Care (ICF/MR) (Recodified)
140.880	Skilled Care (SNF/PED) (Recodified)
140.885	Statewide Rates (Recodified)
140.890	Reimbursement for ICF/MR-15 and Under Facilities (Recodified)
140.895	Night Shift Reimbursement (Recodified)
140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)



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## SUBPART G: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

Section	
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

## SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section	
140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)
140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)

## TABLE A Medichex Recommended Screening Procedures

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

Section	
TABLE B	Health Service Areas
TABLE C	Capital Cost Areas
TABLE D	Schedule of Dental Procedures
TABLE E	Time Limits for Processing of Prior Approval Requests
TABLE F	Podiatry Service Schedule
TABLE G	Travel Distance Standards
TABLE H	Areas of Major Life Activity
TABLE I	Staff Time and Allocation for Training Programs (Recodified)
TABLE J	HSA Grouping

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984;



Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 13, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective November 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987;

amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.913 thru 140.914 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.206 thru 147.207 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 14271, effective August 29, 1988; amended at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill.



## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

## SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

## Section 140.413 Limitation on Physician Services

a) When provided in accordance with the specified limitations and requirements, the Department shall pay for the following services:

- 1) Termination of pregnancy -- only in those cases in which the physician has certified in writing to the Department that the procedure is necessary to preserve the life of the mother. All claims for reimbursement for abortions or induced miscarriages or premature births must be accompanied by the physician's written certification which specifies that the procedure is necessary for preservation of life of woman, or that the induced premature birth was to produce a live viable child and was necessary for the health of mother or her unborn child.

## 2) Sterilization

- A) Therapeutic sterilization -- only when the procedure is either a necessary part of the treatment of an existing illness, or is

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

## Section 140.413

## Limitation on Physician Services (Cont'd.)

medically indicated as an accompaniment of an operation on the female genitourinary tract. Mental incapacity does not constitute an illness or injury in respect to this procedure.

- B) Nontherapeutic sterilization -- only for recipients age 21 or older. The physician must obtain the recipient's informed written consent in a language understandable to the recipient before performing the sterilization and must advise the recipient of the right to withdraw consent at any time prior to the operation. The operation shall be performed no sooner than 30 days and no later than 180 days following the date of the recipient's written informed consent except in cases of premature delivery or emergency abdominal surgery. An individual may consent to be sterilized at the time of premature delivery or emergency abdominal surgery if at least 72 hours have passed since informed consent was given.
- 3) End stage renal disease treatment (chronic hemodialysis and kidney transplantation) is limited to those recipients who have been determined medically eligible for such treatment by the Illinois Department of Public Health.
- 4) By-pass surgery for morbid obesity -- only with the prior approval of the Department. The Department shall approve payment for this service only in those cases in which it determines that obesity is exogenous in nature, the recipient has had the benefit of other therapy with no success, and endocrine disorders have been ruled out. (See Sections 140.40 through 140.42 for prior approval requirements.)
- 5) Psychiatric Services
  - A) Treatment -- when the services are provided by a physician who has been enrolled as an approved provider with the Department, psychiatric treatment services are not



## DEPARTMENT OF PUBLIC AID

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Section 140.413 Limitation on Physician Services (Cont'd.)  
covered services for Recipients of General Assistance or Aid to the Medically Indigent.

- B) Consultation -- only when necessary to determine the need for psychiatric care. Services provided subsequent to the initial consultation must comply with the requirements for treatment.
- 6) Services provided to a recipient in his place of residence -- only when the recipient is physically unable to go to the physicians' office.

- 7) Services provided to recipients in group care facilities by a physician other than the attending physician -- only emergency services provided when the attending physician of record is not available or when the attending physician has made referral with the recipient's knowledge and permission.
- 8) Services provided to recipients in a group care facility by a physician who derives a direct or indirect profit from total or partial ownership (or from other types of financial investment for profit in the facility -- only when occasioned by an emergency due to acute illness, unavailability of essential treatment facilities in the vicinity for short-term care pending transfer, or when there is no comparable facility in the area.

- 9) Maternity care -- ~~pre-natal, delivery and 6-weeks routine post-natal care for mother and child shall be treated as a combined service package except when care and delivery are provided by different physicians. Payment shall be made for pre-natal and post-natal care for mother and child only when the following conditions are met:~~

- A) the physician, whether based in a hospital, clinic, or individual practice, retains hospital admitting and delivery privileges or maintains a written referral arrangement with another physician who retains such privileges;

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

Section 140.413 Limitation on Physician Services (Cont'd.)

- B) the written referral agreement is kept on file and is available for inspection at the physician's place of business, and details procedures for timely transfer of medical records; and
- C) maternal services are delivered in a manner consistent with the quality of care guidelines published by the American College of Obstetricians and Gynecologists in the current edition of the Standards for Obstetric-Gynecologic Services.

- 10) Hysterectomy -- only if the individual has been informed, orally and in writing, that the hysterectomy will render her permanently incapable of reproducing and the individual has signed a written acknowledgement of receipt of the information. The Department will not pay for a hysterectomy which would not have been performed except for the purpose of rendering an individual permanently incapable of reproducing.

- 11) Selected surgical procedures -

- A) Tonsillectomies or Adenoidectomies
- B) Hemorrhoidectomies
- C) Cholecystectomies
- D) Disc Surgery/Spinal Fusion
- E) Hysterectomies
- F) Joint Cartilage Surgery/Meniscectomies
- G) Excision of Varicose Veins
- H) Submucous Resection/Rhinoplasty/Repair of Nasal System
- I) Mastectomies for Non-Malignancies
- J) Surgical procedures which generally may be performed in an outpatient setting (see



## DEPARTMENT OF PUBLIC AID

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## Section 140.413

## Limitation on Physician Services (Cont'd.)

Section 140.117) only if the Department authorizes payment. The Department will in some instances require that a second physician agree that the surgical procedure is medically necessary prior to approving payment for one of these procedures. The Department will require a second opinion when the attending physician has been notified by the Department that he will be required to obtain prior approval for payment for the surgeries listed. (See Sections 140.40 through 140.42 for prior approval requirements). The Department will select physicians for this requirement based on the recommendation of a peer review committee that has reviewed the utilization pattern of the physician.

- b) In cases where a physical examination by a second physician is needed, the Department will notify the recipient and designate a physician to perform the examination. Physicians will be subject to this requirement for six (6) months after which a request can be submitted to the peer review committee to consider removal of the prior approval requirement.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENT(S)

- 1) The Heading of the Part: The Administration and operation of the State Employees' Retirement System of Illinois
- 2) Code Citation: 80 Ill. Adm. Code 1540
- 3) Section Numbers: Action:  

1540.80	Amendment
1540.90	Amendment
1540.250	Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, Ch. 108, par. 14-135.03
- 5) A Complete Description of the Subjects and Issues Involved:  

1540.80(e) This amendment is necessary to change the gainful employment amount to \$500.00, to remove the word profit from the definition and define remuneration.

1540.90 (a)(10) This amendment is necessary to clarify that periods ruled noncompensable under the Workers' Compensation Act, for noncompliance with the act, will not be considered for occupational disability until the entire workers' compensation case has been finalized with the Industrial Commission.

1540.90(c)(3), (4)(D) This amendment is necessary to allow for an adjustment to the social security offset amount that a survivor is eligible to receive on their own behalf from social security.

1540.90(d) This amendment is being established to provide for the method in which the Retirement System will determine the Social Security Administration benefit in order to apply the provisions in Chapter 108, Article 14-108(e)(f) of the Retirement Act.

1540.250(c) and (d) Under current procedures, the installment option method of payment is a convenience for the member and interest is calculated as if a lump sum were paid on the last day of the installment period. By granting an interest rebate, we will share with the membership the interest earned on the payments made during the installment period.
- 6) Will this proposed amendment(s) replace an emergency rule in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No



STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT(S)

- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this part? No
- 10) Statement of statewide policy objectives: None

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments should be submitted in writing within 30 days after the proposed amendments are published in the Illinois Register and should be directed to:

Michael L. Mory, Executive Secretary  
State Employees' Retirement System of Illinois  
2815 West Washington Street, P.O. Box 19255  
Springfield, IL 62794-9255  
Telephone: 1-217-753-044

- 12) Initial Regulatory Flexibility Analysis: None

The full text of the proposed amendments begins on the next page:

ILLINOIS REGISTER

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE D: RETIREMENT SYSTEMS  
CHAPTER 1: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

PART 1540

THE ADMINISTRATION AND OPERATION OF THE  
STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

Section	
1540.5	Introduction
1540.10	Appointment of Retirement System Coordinator
1540.20	Member's Contribution and Service Credit
1540.30	Determination of Rate of Compensation
1540.40	Prior Service Credit
1540.50	Credit for Service for Which Contributions are Permitted
1540.60	Severance of Employment - A Condition to the Payment of a Refund or Retirement Annuity
1540.70	Death Benefits
1540.80	Disability Claims
1540.90	Benefit Offset
1540.100	Birth Date Verification
1540.110	Marriage Verification
1540.120	Level Income Option
1540.130	Pension Credit for Unused Sick Leave
1540.140	Removal of Children from Care of Surviving Spouse
1540.150	Proof of Dependency
1540.160	Investigations of Benefit Recipients
1540.170	Interest on Member Contributions
1540.180	Date of Application - Retirement Annuity, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments
1540.190	Lump Sum Salary Payments
1540.200	Removal From the Payroll
1540.210	Latest Date of Membership
1540.220	Period for Payment and Amount of Payment of Contributions
1540.230	Contributions By the State (Repealed)
1540.240	Actuarially Funded Basis (Repealed)
1540.250	Payments to Establish Credit for Service for Which Contributions are Permitted
1540.260	Contributions and Service Credit During Nonwork Periods
1540.270	Written Appeals and Hearings
1540.280	Availability for Public Inspection (Recodified)
1540.290	Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and Regulations (Recodified)
1540.300	Organization of the State Employees' Retirement System (Recodified)
1540.310	Amendments
1540.320	Optional Forms of Benefits - Basis of Computation
1540.330	Board Elections



TABLE A Optional Forms of Benefits - Basis of Computation

AUTHORITY: Implementing and authorized by Article 14 of the Illinois Pension Code (Ill. Rev. Stat. 1985, ch. 108 1/2, par. 14-101 et seq. see in particular pars. 14-118, 14-120, and 14-129).

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 1540.80 Disability Claims

- a) Nonoccupational Disability and Temporary Disability
- 1) Any member of the Retirement System claiming benefits for nonoccupational disability or temporary disability shall file at the Springfield Office of the System a written application on forms prescribed by the Board.
- 2) If a member makes a payment of contributions to the System in order to establish sufficient credit to qualify for a nonoccupational or temporary disability benefit, payment of the benefit shall accrue as of the later of the 31st day after the member is last entitled to receive compensation or the date of payment to the System. The date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220 (a) - (Period for Payment).
- 3) If a member who is receiving a nonoccupational or temporary disability benefit wishes to make a payment of contributions to extend the period of eligibility for receipt of the benefit, the request to make such payment must be received at the Springfield Office of the System before the period of eligibility terminates and the date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220 (a) - (Period for Payment).

- b) Occupational Disability
- Any member of the Retirement System claiming benefits for occupational disability shall file at the Springfield Office of the System a written application on forms prescribed by the Board.
- c) Licensed Physicians
- 1) Before an occupational, nonoccupational or temporary disability benefit can be approved, one statement must be received from a licensed physician attesting to the disability. An additional statement from a second licensed physician may be required by the disability examiner assigned to the case, depending on the nature of the disabling condition.
- 2) The term "licensed physician" shall mean any individual who has obtained a license through the Department of Registration and Education as described in Section 11(1) and (2) of the Medical Practice Act (Ill. Rev. Stat. 1985, ch. 111, par. 4421(1) and (2)). All licensed physicians must submit their registration number on all reports submitted to the Retirement System.

- d) Report of Physicians
- 1) All physician's reports shall contain, among other things, the date and place of the first examination, the cause and nature of the disability, information regarding surgical work or laboratory tests, the date of last examination, prognosis regarding the member's disability, and an estimate of the probable length of disability.
- 2) All physician's reports shall be signed by a licensed practicing physician or by medical records personnel of a licensed clinic.

- e) Gainful Employment
- In the case of occupational, nonoccupational or temporary disability, an individual who is found to be gainfully employed shall have his benefit terminated as of the date such employment commenced. The term "Gainful Employment" shall be construed to mean
- 1) any employment for the State of Illinois or
- 2) any remuneration (fees, salary, compensation, or profit received for personal services in any month which exceeds \$300.00;
- 3) any gross income from self-employment in any month which exceeds \$300.00; or
- 4) self-employment in the actual participation in a business activity through the performance of physical and/or mental activities generally performed for remuneration or profit.

Gainful Employment

In the case of occupational, nonoccupational or temporary disability, an individual who is found to be gainfully employed shall have his benefit terminated as of the date such employment commenced. The term "gainfully employed" shall be construed to mean either of the following:

- 1) Any employment by or for the State of Illinois.
- 2) Any remuneration which exceeds \$500.00 in any month.
- A) For purpose of this rule, "remuneration" shall be defined to mean:



## STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENT(S)

- i) any compensation for personal services including fees, wages, salary, commissions, and similar items;
- ii) any income derived from the participation in a business activity through the performance of physical and/or mental activities generally performed for the production of income.

B) For purposes of this rule, remuneration shall be computed on a gross rather than net basis (i.e., no deductions of any kind including but not limited to deductions for losses, expenses, taxes or withholding, will be considered in such computation). Remuneration shall also include the fair market value of goods or services received, which if received in money would otherwise constitute remuneration. Remuneration representing gain from the sale, exchange or other disposition of goods or other property shall be equal to, (i) the sum of the amount of money and the fair market value of any property received on such sale, exchange, or disposition, (ii) less the amount representing the cost to the seller in acquiring the goods or other property which is sold, exchanged, or disposed of. In applying this rule, the System shall consider the date on which the remuneration was earned rather than when it was received. For purposes of this rule, remuneration may be earned through either self-employment or employment by others.

## f) Investigation of Claims

1) The Board of Trustees of the State Employees' Retirement System (SERS) recognizes its obligation to provide a systematic program for the continued investigation, control and supervision of disability claims.

2) Each disability benefit recipient is required to provide a current medical examination report each 6 months to substantiate continued disability. In order to substantiate the member's continued eligibility for disability benefits, the Disability Claims Examiner may require that the member submit to independent medical examinations and may request additional medical statements; hospital records; activity inspection reports; Department of Employment Security Earning Statements; Social Security benefit payment information; income tax records; or other pertinent information, all as deemed reasonable and necessary by the Examiner. The System will pay for independent medical examinations, hospital records, and activity inspection reports that it requires.

3) Failure of a disability benefit recipient to submit to an independent medical examination, to cooperate with an activity inspection, or to provide the information required shall result in suspension of benefit payments.

## g) Definition of Phrase "The Duties of the Member's Position"

The phrase, "The duties of the member's position" shall mean the duties of the member's position as of the date the member's name is

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removed from the payroll without regard to subsequent changes in the duties of the position, availability of the position, or the member's right to return to the position.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1540.90 Benefit Offset

## a) Occupational Disability and Occupational Death

Benefits received under Workers' Compensation (Ill. Rev. Stat. 1985, ch. 48, par. 138.1 et seq., as amended) or Workers' Occupational Diseases Acts (Ill. Rev. Stat. 1985, ch. 48, pars. 172.36 et seq., as amended) with respect to disability or death of a member shall be applied as an offset against any occupational disability or death benefit provided under the Retirement System with respect to the same disability or death. The Workers' Compensation weekly rate will be converted to a monthly rate for use as an offset to the Retirement System monthly benefit.

1) If the amount of compensation received is less than the monthly benefit provided under the Retirement Act, only the amount of the excess of such monthly benefit over the amount of such compensation shall be payable by the Retirement System, subject, in the case of occupational death, to any minimum benefit provided by Section 14-103.18 and Section 14-121(h) of the Retirement Act. If the amount of compensation received equals or exceeds the monthly benefit provided under the Retirement Act, no benefit shall be payable by the Retirement System during the period compensation is paid under the Workers' Compensation or Occupational Diseases Acts.

2) If the compensation for disability or death is received in a commuted lump sum or partly in a commuted lump sum and partly in monthly or weekly sums, the Retirement System shall, for offset purposes, consider the compensation as if it had been paid at a weekly rate as prescribed under the Workers' Compensation or Occupational Diseases Acts. Salary or wages paid beyond date of disability shall not be considered part of the Workers' Compensation offset.

3) In the event the whole or any part of the benefits received under the Workers' Compensation or Occupational Diseases Act is commuted into one sum, the aggregate sum of the benefits so commuted and not the commuted value thereof shall be used for purposes of ascertaining the amount of offset.

4) No such offset or compensation shall be made after retirement of a member of a retirement annuity.

5) The amount considered for offset purposes shall not be reduced by any legal expenses granted from the award to the member.

6) No offset shall be made with respect to amounts received or paid under the Workers' Compensation or Occupational Diseases Acts for



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- medical, hospital, or burial expenses.
- 7) That portion of the occupational death benefit consisting of accumulated contributions of a member shall not be subject to any offset mentioned in this section.
- 8) The termination of death benefits under the Workers' Compensation or Occupational Diseases Act due to remarriage of the benefit recipient shall cause the offset to the Occupational Death Benefit applicable to the remarried benefit recipient to terminate effective with the last month of eligibility represented in the final benefit payment under the Workers' Compensation or Occupational Diseases Act.
- 9) In those cases where the injury or death, for which an occupational disability or death benefit is payable, creates a legal liability for damages on the part of some person other than the employer to pay damages, the Workers' Compensation offset shall be applied as follows:

A) Any amounts paid under the Workers' Compensation Act or Workers' Occupational Diseases Act are subject to the offset provisions of Article 14 of the Illinois Pension Code (Ill. Rev. Stat. 1985, ch. 108 1/2, pars. 14-101 et seq.) and these Administrative Rules, even though such amounts are recoverable under the subrogation section 5(b) of the Workers' Compensation Act.

B) In the event that benefits due under the Workers' Compensation Act or Occupational Diseases Act are commuted into one sum or waived in lieu of the member seeking recovery against a third party, the System shall use the amount of any judgment, settlement or payment for such injury by the third party as a credit against any benefits paid or payable by the System.

- 10) Any period(s) of disability for which payment under the Workers' Compensation Act is denied due to the failure to the individual to comply with that Act which results in a period(s) of noncompensability under the Workers' Compensation Act will not be considered for Occupational Disability until the entire Workers' Compensation case has been finalized through the Illinois Industrial Commission.

## b) Nonoccupational Disability and Temporary Disability

- 1) The nonoccupational and temporary disability benefit payable to a covered member shall be offset before age 65 by the amount of Social Security disability benefit payable prior to the member attaining age 65 and after age 65 by the amount of the Social Security retirement benefit for which the individual is first eligible on or after attaining age 65.
- 2) The Social Security retirement benefit offset will be applied as follows at age 65:
- A) For a disability benefit recipient who received Social Security disability benefits before age 65, the Social Security disability benefit payment applied as the offset

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prior to age 65 will remain in effect as the Social Security retirement benefit offset on or after age 65.

- B) For a disability benefit recipient who did not receive Social Security disability benefits before age 65, the Social Security disability benefit amount that would have been payable by the Social Security Administration had the disability benefit recipient been disabled for the purpose of Social Security will be used as the Social Security retirement benefit offset at age 65 regardless of acceptance of a Social Security retirement benefit before age 65.

- C) When a Social Security disability benefit amount is not provided by the Social Security Administration because the individual is not eligible for a disability benefit for a reason other than not being disabled, the Social Security retirement benefit determined at the date of disability for which the individual is eligible at age 65 will be used for offset purposes at age 65.

- 3) Disability benefits commencing after age 65 will be offset by Social Security retirement benefits for which the individual is eligible on the commencement of disability.

## c) Widows and Survivors Annuities

- 1) When a monthly widows or survivors annuity is approved on account of a covered employee, the annuity shall be reduced by one-half of any Social Security survivors benefits for which all beneficiaries included in the widows or survivors annuity are eligible.

- 2) The reduction will commence on the date the beneficiaries first become eligible to receive any portion of the Social Security benefit regardless of whether the beneficiaries elect to accept the Social Security benefit on that date, or if the beneficiaries' own earnings preclude payment of Social Security survivors benefits.

- 3) If at the time the offset is to be commenced: the survivor is eligible to receive a monthly benefit amount based on their own Primary Insurance Amount such amount shall be deducted from the amount of survivors benefit payable by Social Security and the offset computed on the difference; the survivor is eligible to receive a monthly benefit amount based on their own Primary Insurance Amount and a governmental pension offset would have been applied to the Social Security survivors benefit, such amount shall be deducted from the amount of the survivors benefit payable by Social Security and the offset computed on the difference.

- 4) If the widow or survivor is eligible for Social Security survivors benefits and later becomes eligible for and receives a target amount from his own primary insurance amount, the original offset of survivors benefits is continued.

- 54) The Social Security reduction amount once established shall remain constant except for the following conditions:



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- A) If a survivor under age 50 previously receiving the survivors benefit because of minor children becomes a deferred annuitant then the offset amount will be recomputed when he or she first becomes eligible for Social Security survivors benefits. The offset amount will be based on the original widow's Social Security survivors amount ignoring subsequent increases to the deceased's Primary Insurance Amount. The recomputed offset amount shall be the balance of the Social Security survivors benefit minus the governmental pension offset, if any.
- B) The offset amount will be adjusted when a child is removed from consideration for the System's annuity.
- C) The offset amount will be adjusted when any benefit recipient(s) become ineligible for Social Security benefits.
- D) For deaths on or after the effective date of this rule change, if a survivor under age 62 previously receiving the survivor benefit becomes eligible to receive a monthly benefit amount based on a Primary Insurance Amount on his or her own record, then the offset will be recomputed when (s)he first becomes eligible to receive his or her own Primary Insurance Amount. The offset amount will be based on the estimated widow(er)'s Social Security survivors amount determined at the date of death of the member less 1) the estimated monthly benefit amount based on the Primary Insurance Amount of the survivor determined at the date of death of member, and 2) the government pension offset, if any, ignoring any subsequent increases to the deceased Primary Insurance Amount or the Survivors Primary Insurance Amount. The monthly benefit amount based on the primary insurance amount of the survivor shall be determined from the Social Security Administrations' Personal Earnings and Benefit Estimate Statement including any adjustments due to the application of the Windfall Elimination Provision.

## d) Retirement Annuity

Pursuant to Ill. Revised Statutes, Chapter 108 1/2, Article 14-108(f), for members under age 65, the primary insurance benefit payable to the member upon attainment of age 65 shall, at the date of acceptance of a retirement annuity, be determined from the Social Security Administrations' Personal Earnings and Benefit Estimate Statement, including any adjustments due to the application of the Windfall Elimination Provision. For members over age 65, the primary insurance benefit shall be the amount of social security benefits payable at the date of retirement with the State Employees' Retirement System.

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1540.250 Payments to Establish Credit for Service for Which Contributions are Permitted

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- a) If a member has received one or more contribution refunds from the System, service credit may be reinstated only after the two-year minimum service requirement has been satisfied and the member repays the amount of refund(s) previously received together with interest due before retirement either in a lump sum or installment payments by direct payment or payroll deduction. No payment may be applied to any period of service prior to a refund until that refund is paid in full. Service credit will be granted only when a stipulated refund, qualifying, short period or other type of service as set forth in the Act is paid in full; except, in the event of death of the member partial service credit may be granted. Such partial service credit will be based on contributions and interest paid as of date of death. Under the installment option, interest will be calculated on the total amount of contributions for the stipulated period of service through the month of the date the member elects to complete payment. No installment option will be approved for payments of less than \$20.00 per payment or payroll deduction of less than \$10.00 per pay period. If payment is made in full prior to the final due date stipulated in the option, interest will be recalculated and a refund of interest paid to the member, provided such payment is received at least 2 months prior to the due date and is in excess of \$5.00.
- b) ~~if a member elects to receive a retirement annuity, completes a revocation card or for some other reason elects not to complete his installment payment option, all monies paid by the member on such option will be refunded and no service credit granted.~~
- c) ~~if a member pays the contributions and interest due in full under the installment option, an interest rebate will be paid to reflect interest earned during the installment period. The rebate will be calculated based on regular interest as defined in the Retirement Act. The amount of rebate will be determined as of each June 30 preceding the date of payment in full, based on the total of the payments accumulated in the account at the beginning of each fiscal year. At the time the account is paid in full, the total interest accumulated in the rebate account will be paid to the member. The interest rebate will not be paid if the accumulation is less than \$5.00.~~
- d) ~~if member elects to receive a retirement annuity, completes a revocation card or for some other reason elects not to complete his installment payment option, all monies paid by the member on such option will be refunded and no service credit granted.~~

(Source: Amended at 14 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



- 1) The Heading of the Part: Delegation of Construction and Operating Permit Authority for Sanitary and Combined Sewers and Water Main Extensions
- 2) Code Citation: 35 Ill. Adm. Code 174
- 3) Section Numbers:

174.302  
174.303  
174.304  
174.305  
174.306  
174.308  
174.309  
174.401  
174.501  
174.502

Adopted Action:

Amendment  
Amendment  
Amendment  
Amendment  
Amendment  
Amendment  
Amendment  
Amendment

- 4) Statutory Authority: Section 4 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1004).

- 5) Effective Date of Rules: March 16, 1990

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rule contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: March 9, 1990

- 9) Notice of Proposal Published in Illinois Register:

October 20, 1989 13 Ill. Reg. 16242  
(Issue Date)

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version:

Section 174.302(d)(2) was amended to make the word "service" plural.

Several technical changes in the proposal were made in response to comments made by the Office of the Secretary of State, Administrative Code Division.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rule replace an emergency rule currently in effect? No

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- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rules:

The proposed amendments modify the requirements for delegation by the Agency of construction and operating permit authority for water main extensions.

- 16) Information and questions regarding this adopted rule shall be directed to:

Name: Scott O. Phillips  
Address: Division of Public Water Supplies  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Post Office Box 19276  
Springfield, Illinois 62794-9276  
Telephone: 217/782-5544

The full text of the adopted amendments begins on the next page:



ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE A: GENERAL PROVISIONS  
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 174

DELEGATION OF CONSTRUCTION AND OPERATING  
PERMIT AUTHORITY FOR SANITARY AND COMBINED  
SEWERS AND WATER MAIN EXTENSIONS

SUBPART A: INTRODUCTION

Section  
174.101 Purpose  
174.102 Definitions

SUBPART B: STANDARD CONDITIONS FOR SANITARY  
AND COMBINED SEWER PERMIT DELEGATION

Section  
174.201 Applicability  
174.202 Technical Staff  
174.203 Required Documents  
174.204 Permit Requirements  
174.205 Identification  
174.206 Notice of Permits  
174.207 Permit Forms  
174.208 Permit for Ownership and Operation  
174.209 Training

SUBPART C: STANDARD CONDITIONS FOR  
WATER MAIN EXTENSION PERMIT DELEGATION

Section  
174.301 Applicability  
174.302 Technical Staff  
174.303 Required Documents  
174.304 Permit Requirements  
174.305 Restricted Status or Critical Review  
174.306 Identification  
174.307 Permit Forms  
174.308 Annual Reports  
174.309 Routine Operation  
174.310 Operating Permits

SUBPART D: APPLICATION AND AGREEMENT

Section  
174.401 Application Requirements

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

174.402 Agreement  
174.403 Amendments  
174.404 Duration  
174.405 Termination

SUBPART E: AGENCY REVIEW

Section  
174.501 Agency Inspection  
174.502 Appeals of Permits

AUTHORITY: Implementing and authorized by Section 4(g) of the Environmental Protection Act (Ill. Rev. Stat., 1987, ch. 111 1/2, par. 1004(g)).

SOURCE: Adopted and codified at 7 Ill. Reg. 7300, effective May 27, 1983; amended at 14 Ill. Reg. 4891, effective March 16, 1990.

SUBPART C: STANDARD CONDITIONS FOR  
WATER MAIN EXTENSION PERMIT DELEGATION

Section 174.302 Technical Staff

a) The applicant shall employ a qualified technical staff which assures that plan documents are properly prepared, that permit application reviews are properly supported, conducted and that permits are properly issued.

b) Except as provided otherwise in subsection (d):

1) All technical staff involved in the pre-application review of design-of-water-main-installation of applications and issuance of permits must be employed full time by the public-water supply unit of local government.

2) Consultants on retainer who may prepare water-main-plan documents will not be considered to be employed full time.

c) Qualifications

1) There shall be at least one person from the technical staff who is in responsible charge of the review or preparation of plan documents preceding of permit applications and issuance of permits.

2) This The person described in subsection (c)(1) shall be a registered Professional Engineer in Illinois and shall have at least two years of experience in the preparation of water main plan documents for Illinois public water supplies.



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## d) Use of Consultants

1) The unit of local government may retain the services of a full or part-time consultant to meet the requirements set forth in subsection (c)(1) if the consultant meets the qualifications set forth in subsection (c)(2).

2) If the unit of local government proposes to use a full or part-time consultant in accordance with subsection (d)(1), the unit of local government shall provide to the Agency a copy of the contract between the unit of local government and the consultant. The contract shall, at a minimum, require the consultant to perform all technical services necessary to obtain and retain delegated permit authority under Subparts C, D, and E.

d)e) There If the unit of local government prepares its own plan documents for constructing water main extensions, there shall be at least one person on the technical staff who is in responsible charge of issuing construction-permits-for-water-main-extensions the preparation of these documents. This person shall be a registered Professional Engineer in Illinois and shall have at least two years of experience in the preparation of water main plan document for Illinois public water supplies. This person shall not be the same person designated in Subsection subsection (c). No person shall issue a permit for water main construction designed by or under the their own supervision of himself.

e)f) There shall be at least one certified public water supply operator of the proper class on the technical staff to comply with requirements of 35 Ill. Adm. Code 603.102.

(Source: Amended at 14 Ill. Reg. 4891, effective March 16, 1990 )

## Section 174.303 Required Documents

The applicant shall maintain the following documents and make them available for Agency inspection at reasonable times in accordance with 111-Rev-Statr 1981, ch. 111-1/2-par. 1004(d) Section 4(d) of the Act.

- The applicant shall maintain standard specifications for water main construction which require that all design, construction and installation shall be in accordance with 35 Ill. Adm. Code: Subtitle F, Chapters I and II.
- The applicant shall maintain an atlas of the distribution system.

1) This shall show all parts of the system, including but not limited to:

- the location and names of all streets and bridges, culverts and water courses;
- the location and size of water mains, valves, hydrants and other appurtenances;
- wells and intake structures;
- pump stations and water treatment plants;
- any conditions or installations which may deleteriously affect the public water supply distribution system.

2) The atlas shall contain an indexing system to allow for rapid location of water mains. If it is not possible to prepare a single sheet atlas, a sectionalized atlas may be used, provided that an index sheet showing the location of the various sections in relation to each other is provided.

3) The atlas may be maintained on microfiche, sectionalized if desirable.

4) If the applicant possesses a sewer map or atlas it shall be included as an addendum to the water main atlas.

(Source: Amended at 14 Ill. Reg. 4891, effective March 16, 1990 )

## Section 174.304 Permit Requirements

A local unit of government to which permit authority is delegated shall not grant permits unless the following conditions have all been met:

- Any permit issued must be consistent with Section 39 of the Act, 35 Ill. Adm. Code 602.101, 602.102 and 35 Ill. Adm. Code: Subtitle F, Chapter II.
- Plans prepared for each water main extension project shall bear the professional seal of the person as described in Section 174.302 responsible for preparation of the plan documents.
- Trustees of a land trust who apply for a permit relating to the land which is the subject of the trust, must identify and define the interest of each beneficiary as required by Section 2 of "All ACT to require disclosure, under certification of perjury, of all beneficial interests in real property held in a land trust in certain cases", (Ill. Rev. Stat. 1981, ch. 148, par. 72).

(Source: Amended at 14 Ill. Reg. 4891, effective March 16, 1990 )



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## Section 174.305 Restricted Status or Critical Review

Public water supplies which are on the Restricted Status or Critical Review List (35 Ill. Adm. Code 602.106, Technical-Policy-Statement-201-D-and-E 652.401, or 652.402) are not eligible for delegation.

(Source: Amended at 14 Ill. Reg. 4891, effective March 16, 1990 )

## Section 174.306 Identification

For each construction and operating permit issued, the unit of local government shall identify the project by a unique project number and permit number in a manner designated by the Agency as compatible with the Agency's permitting system.

(Source: Amended at 14 Ill. Reg. 4891, effective March 16, 1990 )

## Section 174.308 Annual Reports

By February 1 of each year, the unit of local government shall submit an annual report containing the following:

- a) Preliminary plans which indicate the location of anticipated water main construction for the ensuing 12 months. This may be updated to add or delete anticipated extensions by the public water supply at any time;
- b) Plan drawings documents as described in Technical-Policy-Statement 204(A)-(B)-and-(C) 35 Ill. Adm. Code 652.104, 652.105, 652.106, and 652.107 for all water main extensions constructed in the preceding year along with the identification numbers, dates of initial operation, reports of bacteriological analyses, length and size of water main, and estimated population served by the new main;
- c) Reports of bacteriological analysis performed according to Section 174.309(a); and
- d) a list of construction and operating permits issued.

(Source: Amended at 14 Ill. Reg. 4891, effective March 16, 1990 )

## Section 174.309 Routine Operation

- a) Water samples shall be collected from the completed main in accordance with Technical-Policy-Statement-202 35 Ill. Adm. Code 652.203.

- b) If there are changes in construction from the preliminary plans

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described in Section 174.308 the Agency shall be notified of those changes within 10 days after construction has begun.

- c) If the construction shown in the as-built plans filed in the annual report does not conform to the approved specifications or 35 Ill. Adm. Code: Subtitle F, Chapters I and II, corrections shall be made consistent with those regulations.

- d) The atlas is to be updated at least once every five years and a copy sent to the Permit Section Manager, Division of Public Water Supplies (DPWS).

(Source: Amended at 14 Ill. Reg. 4891, effective March 16, 1990 )

## SUBPART D: APPLICATION AND AGREEMENT

## Section 174.401 Application Requirements

In order to enter into a delegation agreement, the applicant must submit a letter requesting delegation and include:

- a) A statement that the technical staff is in the full time employ of the applicant or a copy of the contract between the consultant and the unit of local government pursuant to Section 174.302(d);
- b) The name, registration number, and qualifications of the person(s) who will be responsible for
  - 1) the issuance of the construction and operating permits, and,
  - 2) if applicable, the preparation of plan documents;
- c) A resolution by the governing body of the unit of local government or existing ordinance authorizing the chief officer of the applicant to designate persons to sign permits on behalf of the applicant;
- d) Standard specifications adopted by the unit of local government for sewer or water main construction, whichever is applicable, at least as stringent as Agency standards, or a certification that the applicant has adopted such specifications by ordinance;
- e) A certification that the applicant possesses an atlas or other documents as required by Sections 174.203(c)(1) or 174.303(b);
- f) Administrative Procedures
  - 1) For sewer permits, those procedures that will be used to process applications;



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- 2) For water main extension permits, those procedures that will be used to correlate permitted projects with corresponding plan documents and bacteriological analysis report sheets;

## g) Capacity Information

- 1) For sewer permit delegation, a certification that by issuance of a construction permit the applicant acknowledges adequate capacity in its wastewater collection system and at its treatment plant as required by 35 Ill. Adm. Code 309.222(b).
- 2) For water main extension delegation, a report which provides information as to raw and finished water production capacity, average daily demand, peak monthly demand, peak day demand, peak hour demand, number of service connections, population served, and pressures in the distribution system.

(Source: Amended at 14 Ill. Reg. 4891, effective March 16, 1990 )

## SUBPART E: AGENCY REVIEW

## Section 174.501 Agency Inspection

The Agency may inspect at all reasonable times in accordance with Ill.-Rev. Stat. 1981, ch. 111-1/2, par. 1004(d) Section 4(d) of the Act all permit files held by the unit of local government regarding issued permits or permit applications and plan documents and may inspect the permitted facilities.

(Source: Amended at 14 Ill. Reg. 4891, effective March 16, 1990 )

## Section 174.502 Appeals of Permits

If a decision of the unit of local government regarding a permit issued or denied under these regulations this Part is appealed pursuant to Section 40 of the Environmental Protection Act, Ill.-Rev. Stat. 1981, ch. 111-1/2, par. 1040) the unit of local government shall appear as co-respondent in the action and, in instances where the unit of local government has elected to retain the services of a consultant in accordance with Section 174.302(d), the consultant shall also appear.

(Source: Amended at 14 Ill. Reg. 4891, effective March 16, 1990 )

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Service Plan Development
- 2) Code Citation: 89 Ill. Adm. Code 700
- 3) Section Numbers: Adopted Action:  
700.200 amendment  
700.300 amendment
- 4) Statutory Authority: Implementing and authorized by Section 3(g) and 3(l) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 23, pars. 3434(g) and 3434(l) as amended by P.A. 86-65, effective July 1, 1989 and Public Act 86-908, effective January 1, 1990).

- 5) Effective Date of Amendments: March 16, 1990

- 6) Does this rulemaking contain an automatic repeal date?  
\_\_\_ Yes X No

- 7) Does this amendment contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: March 8, 1990

- 9) Notice of Proposal Published in Illinois Register:  
September 15, 1989, 13 Ill. Reg. 14331  
(issue date)

- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? Yes If answer is "yes," please complete the following:

- A) Statement of Objection: December 29, 1989, 13 Ill. Reg. 20407  
(issue date)

- B) Agency Response: February 23, 1990 14 Ill. Reg. 2968  
(issue date)

- C) Date Agency Response Submitted for Approval to JCAR:  
February 1, 1990

- 11) Difference(s) between proposal and final version: Pursuant to agreements with the Administrative Code Division and the Joint Committee on Administrative Rules, the following changes have been made:



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

The headings for Section 700.200 have been made to agree in the table of contents and the text.

The authority note was updated, and amended to include a reference to Section 3(1).

The main source note was amended to include "emergency amendment at 13 Ill. Reg. 13684, effective August 14, 1989, for a maximum of 150 days" following, "effective February 26, 1989."

In Section 700.200(d)(2), "10/82" was changed to "October 1982".

The acronym "HSP" was defined as the "Home Services Program" in Section 700.300(c)(2).

Section 700.200(g)(1) was modified to state: "Respite Services shall be provided by Personal Assistants, Homemakers, or Maintenance Home Health Services, based on the client's need (as established by the Determination of Need in 89 Ill. Adm. Code 685 and in accordance with Section 700.300(f))."

"Personal care attendant" was changed to "Personal Assistant" in Section 700.300(b)(1).

Section 700.200 and 700.300 were amended to state "Respite Services" in all instances.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?  
Yes

13) Will this rule replace an Emergency Rule(s) currently in effect? No

14) Are there any amendments pending on this Part: No

Section Numbers Proposed Action Illinois Register Citation

15) Summary and Purpose of Rule(s): The amendment to Section 700.200 has been adopted to comply with Public Act 85-1282 which provides for new Personal Assistants to be paid twice in the first month of service only. An increase in Personal Assistants' wages is reflected in Section 700.200(a).

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Sections 700.200 and 700.300 have been amended to promulgate policies pertaining to Respite Services and to change "Personal Care Attendants" to "Personal Assistants".

16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Leigh Reed  
Regulations and Procedures Division  
Department of Rehabilitation Services  
P.O. Box 19429  
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896  
T.D.D.: (217) 782-5734

The full text of Adopted Rule(s) begins on the next page:



## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES  
SUBCHAPTER d: HOME SERVICES PROGRAM

## PART 700

## SERVICE PLAN DEVELOPMENT

- Section  
700.100 Service Plan Development  
700.150 Securing a Service Provider  
700.200 Rates of Payment, and Types and Skill Levels of Service Providers  
700.300 Selection of Appropriate Type of Service  
700.400 Service Provision as Affected by Available Resources  
700.500 Service Provision by Family Members  
700.600 Service to School Age Children  
APPENDIX A Guidelines for Service Tasks

AUTHORITY: Implementing and authorized by Section 3(g) and 3 (1) of "AN ACT in relation to rehabilitation of persons with one or more disabilities" (Ill. Rev. Stat. 1987 and 1988 Supp., ch. 23, pars. 3434(g) and 3434(1) as amended by P.A. 86-65, effective July 1, 1989 and P. A. 86-908, effective January 1, 1990).

SOURCE: Adopted and codified at 7 Ill. Reg. 8930, effective July 18, 1983; amended at 11 Ill. Reg. 5315, effective March 16, 1987; amended at 11 Ill. Reg. 11823, effective July 1, 1987; amended at 13 Ill. Reg. 3101, effective February 26, 1989; emergency amendment at 13 Ill. Reg. 13684, effective August 14, 1989, for a maximum of 150 days; emergency expired January 11, 1990; amended 14 Ill. Reg. 4900, effective March 16, 1990.

Section 700.200 Rates of Payment, and Types and Skill Levels of Service Providers

- a) Personal Care Attendant Assistant services are to be provided by individuals (rather than by agencies) who are selected, hired, trained, supervised and dismissed by the client or other responsible person. Personal care attendants do not necessarily have formal training. DORS will pay no more than \$3.50 \$3.68 per hour for such services.
- b) DORS shall pay new Personal Assistants, who began services on or before the 15th of a month, twice in the first month of service only. A new Personal Assistant is an individual serving a particular client for the first time. The Personal Assistant shall submit two Authorization of Services (IL488-1844) forms for payment for the first month of service; one for the

## DEPARTMENT OF REHABILITATION SERVICES

## NOTICE OF ADOPTED AMENDMENTS

first day service is provided through the 15th of the month; the other from the 16th of the month to the end of the month. Thereafter the Personal Assistant shall submit an Authorization of Services for payment once a month for all services rendered during that month.

- b) Homemaker services may be provided only by employees of Homemaker agencies with whom DORS has a contract and are, therefore, paid at no more than the maximum rate established for each agency as described for non-institutional rates under in 89 Ill. Adm. Code 356 for each agency. These individuals are trained and professionally supervised.

ed) Maintenance Home Health Services

- 1) Maintenance Home Health services may be provided only by personnel who are specially licensed or certified by the Illinois Department of Registration and Education Professional Regulation or of Public Health, as applicable, including nurses, therapists and home health aides. This service will be purchased through Medicare/Medicaid approved Home Health agencies, if available, at no more than the approved Medicare/Medicaid rates set for each agency by the Department of Public Aid.

- 2) Maintenance Home Health services may be provided by individuals who are not Medicaid approved providers (see 42 CFR 440.70, October, 1980) unless the client is eligible for available Medicaid paid Home Health service. However, DORS will first attempt to secure Home Health Service providers which are Medicaid approved. An individual provider must be able to provide the local office staff with a certification from a training program recognized by the certifying State of Illinois Department or with a license, as appropriate to the type of Home Health Service provider needed. The individual provider is then paid at no more than the prevailing local rate as determined by the local Home Health agency or hospital. If the individual provider cannot demonstrate that a recognized training program has been completed to qualify the individual provider to be a Home Health provider, the individual provider may not provide Maintenance Home Health



# NOTICE OF ADOPTED AMENDMENTS

services. Individual Home Health providers will only be used when agency Home Health services are not available and/or when an individual provider is less costly than an agency provider.

de) Home delivered meals are generally provided by volunteers working through agencies such as the Red Cross or local hospitals. Prevailing local rates are to be paid insofar as the home delivered meals service agency provides the service needed by the client at a cost which is less than that which would otherwise be paid to a Personal Care Attendant Assistant or another home delivered meals service agency to perform the same service.

ef) Electronic Home Response Services are provided through hospitals or through community service agencies and utilize some form of electrical or electronic alerting device which is monitored by the agency providing this service. Emergency health care professionals then respond if signaled by the client. Prevailing local rates are to be paid insofar as the electronic home response service agency provides the service needed by the client at a cost which is less than that which would otherwise be paid for Personal Care Attendant Assistant Service or for other electronic home response services. When it is cost effective to do so, this service may instead be provided through the use of burglar or fire alarms which have a communication link with local fire or police stations or into private concerns operating this type of system; also paid at prevailing rates as above.

## g) Respite Services

1) Respite Services shall be provided by Personal Assistants, Homemakers, or Maintenance Home Health services, based on the client's need (as established by the Determination of Need in 89 Ill. Adm. Code 685 and in accordance with Section 700.300(f)).

2) Respite Services are paid at the same rate as regular services. There is no cost share for Respite Services regardless of family or individual income.

# NOTICE OF ADOPTED AMENDMENTS

3) Respite Services may be used in weekly increments but for a total of no more than 240 hours per fiscal year, provided it does not exceed the service cost maximum (89 Ill. Adm. Code 685) for the client.

(Source: Amended at 14 Ill. Reg. 4900 effective March 16, 1990)

## Section 700.300 Selection of Appropriate Type of Service

The type of service selected is based on the definition of the service and on the provider skill level required as it relates to the needs of the clients and the tasks to be completed.

a) Personal Care Attendant Assistants may be paid only for during the time service plan tasks are being provided to the client. Personal Care Attendants Assistants may perform incidental health care tasks which are ordered or prescribed by licensed medical professionals (e.g., medical doctors, registered nurses, physical therapists) which do not require independent judgement, as determined by the licensed medical professional, with permission of the client's physician, and training by hospital staff, physician, client or family. Personal Care Attendant Assistant services are ordinarily to be provided only in the presence of the client. Exceptions to this include shopping for the client.

b) Homemakers are specially trained and should provide only needed services as efficiently as possible. Homemaker services may only be provided in the presence of the client. A Homemaker should be used under the following circumstances:

1) If the client or other responsible person is unable to direct the activities of a Personal Care Attendant Assistant.

2) If it is felt the Homemaker can teach the client household tasks to enable the client to become more self-sufficient and thereby lower case costs. Homemaker teaching services should be provided for no more than three months and only when the extra expense for this service will be offset by case cost reduction in the following three months.



NOTICE OF ADOPTED AMENDMENTS

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- 3) On a one-time basis, so that the hHomemaker may formulate a work schedule to be used by a pPersonal care attendant Assistant.
- 4) For periodic visits to a client's home to ensure that pPersonal care attendant Assistant services provided are efficient, effective and necessary.
- c) Maintenance Home Health Services are to be provided by duly licensed or certified individuals or agency employees, as appropriate to the skill level of care required as set forth in Section 700.100(a), and as prescribed or recommended by physicians or health care professionals. Maintenance Home Health Services are required to be provided in the presence of the client. These providers should be paid Home Health rates only during hours when medical tasks are being performed. If an individual provider is used, it is necessary to have documentation of provider certification or license, as appropriate, in the case file.
- 1) If a Maintenance Home Health Services will be a part of a client's service plan, clients will be required to apply for Medicaid through the Department of Public Aid unless their level of income and assets is such that no possibility of Medicaid eligibility exists.
- 2) Maintenance Home Health Services provided to Medicaid eligible clients will be funded through Medicaid rather than the Home Services Program [HSP] to the extent that Medicaid will fund this service.
- d) Home delivered meals may be provided only when they are more cost effective than the use of pPersonal care attendant Assistant services for meal preparation.
- e) Electronic Home Response service may only be provided to replace pPersonal care attendant Assistant hours and only when it is less costly than the pPersonal care attendant Assistant hours replaced.
- f) Respite Services shall be provided to relieve a client's family during vacations, rest, errands, a family crisis or emergency. Respite Services shall be provided by either Personal Assistants, Homemakers, Maintenance Home Health services, or any combination of these services, based on the client's need.

(Source: Amended at 14 Ill. Reg. 4900  
effective March 16, 1990)

- 1) Heading of Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Numbers Adopted Action  
1030.95 Amendment
- 4) Statutory Authority: Sections 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-104(b)) and Foreign Missions Act (22 U.S.C. 4301 et seq.)
- 5) Effective Date of Amendments: March 9, 1990
- 6) Does this rulemaking contain an automatic repeal date? Yes X No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: March 9, 1990
- 9) Notice of Proposal Published in Illinois Register: 13 Ill. Reg. 16297 (October 20, 1989).
- 10) Has JCAR Issued a Statement of Objections to this Rule? No.
- 11) Differences between proposal and final version.  
Pursuant to suggestions from the Administrative Code Division, Office of the Secretary of State, the following changes were made:  
In order to maintain the format for statutory citations in this Part and in other Parts of this Chapter, the words "of the Illinois Vehicle Code" were reinserted in paragraph (e).  
Pursuant to an agreement with the Joint Committee on Administrative Rules, the word "immediate" was deleted from the definition of "Applicant" in Section 1030.95(a) and from the second sentence of Section 1030.95(b).
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the Agreement Letter issued by JCAR? Yes.
- 13) Will this rule replace any Emergency Rule(s) currently in effect? No.



## NOTICE OF ADOPTED AMENDMENT(S)

14) Are there any other amendments pending on this Part? Yes.

Section Numbers	Proposed Action	Illinois Register Citation
1030.30	Amendment	14 Ill. Reg. 179 (January 5, 1990)
1030.55	Amendment	14 Ill. Reg. 2289 (February 9, 1990)
1030.65	Amendment	13 Ill. Reg. 14019 (September 8, 1989)
1030.80	Amendment	14 Ill. Reg. 579 (January 12, 1990)
1030.85	Amendment	14 Ill. Reg. 2289 (February 9, 1990)
1030.91	New Section	13 Ill. Reg. 14344 (September 15, 1989)
1030.94	Amendment	14 Ill. Reg. 1902 (February 2, 1990)
Appendix A	Amendment	14 Ill. Reg. 2289 (February 9, 1990)

15) Summary and Purpose of Rule: Federal law now requires that the United States Department of State exclusively issue all consular licenses. The Office of the Secretary of State has agreed to test consular license applicants on behalf of the United States Department of State. This Section as amended will allow the Office of the Secretary of State to issue consular licenses only to persons representing countries not recognized by the United States Department of State.

16) Information and answers to questions regarding this Adopted Rule should be directed to:

Nancy S. Short  
Assistant Counsel to the Secretary  
2701 S. Dirksen Parkway  
Springfield, IL 62723  
Tel: 217/782-5356

The full text of the Adopted Rule begins on the next page.

## NOTICE OF ADOPTED AMENDMENT(S)

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1030  
ISSUANCE OF LICENSES

Section	What Persons Shall Not be Licensed or Granted Permits
1030.10	Procedure for Obtaining a Driver's License
1030.11	Cite for Re-examination
1030.15	Classification of Drivers-References
1030.20	Classification Standards
1030.30	Fifth Wheel Equipped Trucks
1030.40	Bus Driver's Authority, Religious Organization
1030.50	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.55	Employer Certification Program
1030.60	Religious Exemption for Social Security Numbers
1030.63	Instruction Permits
1030.65	Driver's License Testing/Vision Screening
1030.70	Driver's License Testing/Vision Screening With Vision Aid
1030.75	Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.80	Driver's License Testing/Written Test
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts/Road Test
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement For Photograph and Signature of Licensee On Driver's License
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Duplicate and Consular Licenses
1030.100	Anatomical Gift Donor
1030.110	Emergency Medical Information Card
1030.115	Change-of-Address
1030.120	Issuance of a Probationary License
1030.130	Grounds for Cancellation of a Probationary License
Appendix A	Questions Asked of a Driver's License Applicant
Appendix B	Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-100 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674;



## NOTICE OF ADOPTED AMENDMENT(S)

amended at 9 Ill. Reg. 2716, effective February 20, 1965; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 1321, effective August 1, 1988; amended at 12 Ill. Reg. 14915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990.

## Section 1030.95 Diplomatic and Consular Licenses

- a) For purposes of this Section, the Secretary of State shall adopt the following definitions:

"Applicant" - diplomat of Consul, his/her family or employees applying for a diplomatic license in Illinois as an Illinois driver's license.

"Consul" - person appointed by a foreign country, not recognized by the United States Department of State, to live in the United States and conduct business on behalf of his/her government.

"Diplomat" - a representative of a foreign country who does not have business with the United States in the interest of his/her government.

"Distinctive Number" - a number listed in sequential order.

- b) A diplomat of consul who wishes to obtain an Illinois driver's license shall report to a Secretary of State's Driver Services facility and shall submit a letter on the consulate letterhead stating that he/she is a diplomat of consul and submit his/her passport for review, along with a letter on the consulate letterhead stating that he/she is an appointed consul. Family members and employees of the consul shall submit to the facility a letter on consulate letterhead stating the applicant's association with the consulate.

- c) The applicant shall pass a vision test, a road test, and a written test, in accordance with Sections 1030.70, 1030.80 and 1030.85.

- d) As the applicant does not have In lieu of a social security number, a distinctive number will be assigned by the Driver Services Department of the Secretary of State's Central Office in Springfield.

## NOTICE OF ADOPTED AMENDMENT(S)

- e) Statutory fees shall be charged to all applicants and applicants of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-118.)

- f) Applicants shall immediately notify the Driver Services Central Office in Springfield upon termination of his/her association with the consulate.

(Source: Amended at 14 Ill. Reg. 4908, effective March 9, 1990.)



## NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: ARBITRATION2) Code Citation: 50 Ill. Adm. Code 70303) Section Number: Emergency Action:  
7030.100 New Section  
7030.Appendix A New Section4) Statutory Authority: Implemented by Section 19 and authorized by Section 16 of the Illinois Workers' Compensation Act (Ill. Rev. Stat. 1987, ch. 48, pars. 138.19 and 138.16, as amended by P.A. 86-998, effective December 18, 1989).5) Effective Date of Rules: March 9, 19906) If the Emergency Rules are to Expire Before the End of the 150 day Period, Please Specify the Date: N/A7) Date Filed in the Agency's Principal Office: March 9, 1990

8) The Reason for the Emergency: The General Assembly amended Section 19 of the Workers' Compensation Act and the Workers' Occupational Diseases Act to provide that in cases in which the only issue in dispute is temporary total disability, permanent partial disability or medical expenses, the parties may voluntarily agree to submit the case for decision by an Arbitrator. Under these amendments the decision of the Arbitrator is conclusive as to the facts and is appealable directly to the circuit court only on questions of law. By agreement the parties select an Arbitrator from a list of 5 Arbitrators chosen by the Chairman from a list of certified Arbitrators approved by at least 7 members of the Workers' Compensation Advisory Board. The amendments provide that the cases submitted under this provision shall proceed according to rules established by the Commission and that the Commission shall promulgate rules including but not limited to rules to ensure that the parties are adequately informed of their rights under the amendments and of the voluntary nature of the proceedings. The amendments further provide that if the parties cannot agree on an Arbitrator from the Chairman's list, they may, by agreement, select an Arbitrator from the American Arbitration Association whose fees shall be paid by the State in accordance with rules promulgated by the Commission. These amendments are effective December 18, 1989. The Commission procedures regarding these amendments must be implemented immediately in rules to

## NOTICE OF EMERGENCY AMENDMENTS

enable parties to proceed under this arbitration procedure created by the amendments.

9) A Complete Description of the Subjects and Issues Involved: The emergency amendment provides procedures by which parties may proceed under voluntary arbitration as established by the statutory amendments. The rule includes procedures regarding the selection of Arbitrators by the Workers' Compensation Advisory Board and the Chairman and procedures by which the parties may submit their case to voluntary arbitration. Section 7030.Appendix A consists of a form entitled "Request for Assignment of Case to Voluntary Arbitration Under Section 19(p) or 19(m)." This is the form which must be used by the parties requesting voluntary arbitration.

10) Whether there are any proposed amendments pending on this Part: No

11) A Statement of Statewide Policy Objectives: N/A

12) The name, address and telephone number of the person to whom information and questions regarding this adopted rule should be directed:

Kathryn A. Kelley  
Counsel  
Illinois Industrial Commission  
100 West Randolph Street  
Suite 8-272  
Chicago, Illinois 60601  
1-312/814-6559

The full text of the emergency amendment begins on the next page:



ILLINOIS INDUSTRIAL COMMISSION  
NOTICE OF EMERGENCY AMENDMENTS

TITLE 50: INSURANCE  
CHAPTER II: INDUSTRIAL COMMISSION

PART 7030  
ARBITRATION

Section  
7030.10  
7030.20  
7030.30  
7030.40  
7030.50  
7030.60  
7030.70  
7030.80  
7030.90  
7030.100

Arbitration Assignments  
Setting a Case for Trial  
Disqualification of Commissioners and Arbitrators  
Request for Hearing  
Subpoena Practice  
Dispositions  
Rules of Evidence  
Arbitrators' Decisions  
Opening and/or Closing Statements  
Voluntary Arbitration under Section 19(p) of the  
Illinois Workers' Compensation Act and Section  
19(m) of the Illinois Workers' Occupational  
Diseases Act

EMERGENCY  
7030.Appendix A

Request for Assignment of Case to  
Voluntary Arbitration Under Section  
19(p) or 19(m)

EMERGENCY

AUTHORITY: Implementing Section 19 and authorized by Section 16 of the Workers' Compensation Act (Ill. Rev. Stat. 1987, ch. 48, pars. 138.19 and 138.16, as amended by P.A. 86-998, effective December 18, 1989).

SOURCE: Filed and effective March 1, 1977; amended at 4 Ill. Reg. 26, p. 159, effective July 1, 1980; emergency rule at 5 Ill. Reg. 3547, effective August 3, 1981 for a maximum of 150 days; amended at 6 Ill. Reg. 3570, effective March 22, 1982; emergency rule at 6 Ill. Reg. 5820, effective May 1, 1982 for a maximum of 150 days; amended at 6 Ill. Reg. 8040, effective July 7, 1982; amended at 6 Ill. Reg. 11909, effective September 20, 1982; codified at 7 Ill. Reg. 2514; amended at 9 Ill. Reg. 19722, effective December 6, 1985; emergency amendment at 14 Ill. Reg. 4913, effective March 9, 1990, for a maximum of 150 days.

Section 7030.100 Voluntary Arbitration under Section 19(p) of the Illinois Workers' Compensation Act and Section 19(m) of the Illinois Workers' Occupational Diseases Act

EMERGENCY

ILLINOIS INDUSTRIAL COMMISSION  
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a) Selection of Arbitrators to Hear Cases Under Voluntary Arbitration

- 1) The Workers' Compensation Advisory Board shall compile a list of not less than seven (7) certified Arbitrators each of whom shall be approved by at least seven (7) of the nine (9) members of the Advisory Board to conduct hearings. The Advisory Board shall submit such list to the Chairman.
- 2) Within thirty (30) days of submission of the list by the Workers' Compensation Advisory Board, the Chairman shall select five (5) Arbitrators from the list to conduct hearings. The Chairman shall publish his selections within fifteen (15) days.
- 3) If a vacancy occurs among the Arbitrators selected by the Chairman to conduct hearings, the Chairman shall select an Arbitrator from the list chosen by the Workers' Compensation Advisory Board to fill that vacancy. At any time the list falls below seven (7) names, the Chairman shall request that the Advisory Board provide him with a list of additional certified Arbitrators from which to make his selections.

b) Request for Voluntary Arbitration

- 1) After filing an application for adjustment of claim but prior to the hearing on arbitration, the parties may voluntarily agree to submit the application for decision by an arbitrator from a list of five (5) arbitrators selected by the Chairman to hear cases under this Section. If the parties cannot agree on an arbitrator from the list of five (5) arbitrators, they may, by agreement, select an arbitrator from the American Arbitration Association.
- 2) Only applications for adjustment of claim which involve a dispute over temporary total disability, permanent partial disability or medical expenses may be submitted for decision by an arbitrator under this Section.
- 3) The agreement of the parties to submit the case to voluntary arbitration shall be in writing and



## NOTICE OF EMERGENCY AMENDMENTS

shall be filed with the Commission. The written agreement shall be on a form provided by the Commission as illustrated in Appendix A.

- 4) When an agreement to submit a case for decision by an arbitrator under this Section has been filed with the Commission, the application shall be assigned to the call of the arbitrator chosen by the parties to conduct the hearing. In cases in which the parties agree to select an arbitrator of the American Arbitration Association, the Commission shall notify the parties of the time and place of the hearing.

## c) Conduct of Hearings

- 1) The arbitrator conducting the hearing shall advise the parties on the record at the beginning of the hearing of their rights under Section 19(p) of the Illinois Workers' Compensation Act or 19(m) of the Illinois Workers' Occupational Diseases Act and of the voluntary nature of the proceedings.
- 2) The Rules Governing Practice Before the Industrial Commission shall apply to hearings in cases submitted for decision by an arbitrator under Section 19(p) of the Illinois Workers' Compensation Act or 19(m) of the Illinois Workers' Occupational Diseases Act, except when inconsistent with this Section or Section 19(p) of the Illinois Workers' Compensation Act or Section 19(m) of the Illinois Workers' Occupational Diseases Act.
- d) The Commission shall pay reasonable costs for services of an arbitrator of the American Arbitration Association.

(SOURCE: Emergency rule added at 14 Ill. Reg. 4913 effective March 9, 1990, for a maximum of 150 days.)

## NOTICE OF EMERGENCY AMENDMENTS

Section 7030. Appendix A Request for Assignment of Case to Voluntary Arbitration Under Section 19(p) or 19(m)

EMERGENCY

STATE OF ILLINOIS )  
COUNTY OF COOK ) SS

BEFORE THE ILLINOIS INDUSTRIAL COMMISSION

Petitioner )  
-vs- ) I. C. #  
Respondent ) Vol. Arb. No.

REQUEST FOR ASSIGNMENT OF CASE TO  
VOLUNTARY ARBITRATION UNDER SECTION 19(p) or 19(m)

The Petitioner, \_\_\_\_\_ and the Respondent, \_\_\_\_\_, hereby jointly and voluntarily request that their claim be assigned to voluntary arbitration under Section 19(p) or 19(m).

1. It is stipulated and agreed that only the issue(s) of: (check one or more)

- \_\_\_\_\_ a) Temporary Total Disability;  
\_\_\_\_\_ b) Permanent Partial Disability;  
\_\_\_\_\_ c) Medical expenses;

remains in dispute between the parties and that all other matters have been agreed to by Stipulation of the parties.

The parties understand that by submitting to Voluntary Arbitration they each are giving up certain rights.

2. a) The parties acknowledge that they have been provided a list of Arbitrators from which they choose Arbitrator \_\_\_\_\_ as the Arbitrator to hear this matter.
- b) The parties acknowledge that they have chosen to submit this case to the American Arbitration Association.



ILLINOIS INDUSTRIAL COMMISSION  
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Petitioner  
Dated: 19      Attorney for Petitioner  
Dated: 19

Respondent  
Dated: 19      Attorney for Respondent  
Dated: 19

CAUTION TO PARTIES NOT REPRESENTED BY AN ATTORNEY

Voluntary Arbitration under Section 19(p) or 19(m) requires an understanding of the Workers' Compensation Act or Workers' Occupational Diseases Act as well as the laws of evidence and trial procedure. You are entitled to be represented by an attorney if you so desire. The Arbitrator's decision under this procedure is conclusive on all findings of fact and your rights of appeal to the Courts are strictly limited to questions of law.

ARBITRATOR'S CERTIFICATION

The undersigned Arbitrator hereby states that the parties not represented by an attorney were advised of the above captioned prior to the commencement of evidence and elected to proceed without counsel. Such election confirmed by their signature below.

Dated \_\_\_\_\_

Petitioner \_\_\_\_\_

Respondent \_\_\_\_\_

Arbitrator \_\_\_\_\_

(SOURCE: Emergency rule added at 14 Ill. Reg. 4913, effective March 9, 1990, for a maximum of 150 days.)

ILLINOIS INDUSTRIAL COMMISSION  
NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: INSURANCE REGULATIONS
- 2) Code Citation: 50 Ill. Adm. Code 7100
- 3) Section Number: 7100.100  
Emergency Action: New Section
- 4) Statutory Authority: Implementing Ill. Rev. Stat. 1987, ch. 48, pars. 138.4(a), 138.4(b) and 138.4(d), as amended by P.A. 86-998, effective December 18, 1989 and Ill. Rev. Stat. 1987, ch. 48, pars. 172.39(a), 172.39(b) and 172.39(d) as amended by P.A. 86-998, effective December 18, 1989 and authorized by Ill. Rev. Stat. 1987, ch. 48, par. 138.16 and Ill. Rev. Stat. 1987, ch. 48, par. 172.51.
- 5) Effective Date of Rules: March 9, 1990
- 6) If the Emergency Rules are to Expire Before the End of the 150 day Period, Please Specify the Date: N/A
- 7) Date Filed in the Agency's Principal Office: March 9, 1990
- 8) The Reason for the Emergency: The General Assembly amended Section 4(d) of the Workers' Compensation Act and the Workers' Occupational Diseases Act to provide that upon a finding by the Commission, after reasonable notice and hearing, of the knowing and wilful failure of an employer to insure payment of its compensation liability, the Commission may assess a penalty of up to \$500 for each day of knowing and wilful failure or refusal after the effective date of the Amendatory Act. These amendments are effective December 18, 1989. The Commission believes that rules are necessary to implement the amendments immediately. The failure of employers to insure their compensation liability poses a threat to the safety and welfare of their employees and to the public interest. The emergency rules provide procedures regarding reasonable notice and hearing which will enable the Commission to determine whether employers have complied with the law.

- 9) A Complete Description of the Subjects and Issues Involved: New Section 7100.100 has been established to provide reasonable notice and hearing before the Commission. This section provides for Notice of Non-Compliance to an employer, response by the employer and an informal conference procedure at which a representative of the Commission may meet with the employer in an attempt to resolve the matter without the



## NOTICE OF EMERGENCY AMENDMENTS

necessity of a formal hearing. The rule establishes procedures for notice and hearing, assignment of a Commissioner, hearing location and the conduct of hearings before the Commission. This section establishes a format for the decision to be issued by the Commission and sets forth procedures for payment of penalties by an employer.

- 10) Whether there are any proposed amendments pending on this Part: No
- 11) A statement of Statewide Policy Objectives: N/A
- 12) The name, address and telephone number of the person to whom information and questions regarding this adopted rule should be directed:

Kathryn A. Kelley  
Counsel  
Illinois Industrial Commission  
100 West Randolph Street  
Suite 8-272  
Chicago, Illinois 60601  
1-312/814-6559

The full text of the emergency amendment begins on the next page:

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 50: INSURANCE  
CHAPTER II: INDUSTRIAL COMMISSION  
PART 7100  
INSURANCE REGULATIONS

Section  
7100.10  
7100.20  
7100.30  
7100.40  
7100.50  
7100.70  
7100.80  
7100.85  
  
7100.90  
  
7100.95  
7100.100  
EMERGENCY

Insurance Forms  
Employer Coverage: Policy (Repealed)  
Policy Information Page  
Issuance of Binder Certificate (Repealed)  
Termination of Insurance  
Requirement for Approval as a Self-Insurer  
Self-Insurers to File Statement and Reports  
Administration of Claims Against Securities,  
Indemnity or Bonds of Self-Insurers  
Administration of Claims Against Group  
Self-Insurer's Insolvency Fund  
Employers Liability Fund  
Insurance Coverage: Compliance

AUTHORITY: Implementing Sections 4(a), (b) and (d) of the Illinois Workers' Compensation Act (Ill. Rev. Stat. 1987, ch. 48, pars. 138.4(a), 138.4(b), 138.4(d) as amended by P.A. 86-998, effective December 18, 1989) and Sections 4(a), (b) and (d) of the Illinois Occupational Diseases Act (Ill. Rev. Stat. 1987, ch. 48, pars. 172.39(a), 172.39(b) and 172.39(d) as amended by P.A. 86-998, effective December 18, 1989) and authorized by Section 16 of the Illinois Workers' Compensation Act (Ill. Rev. Stat. 1987, ch. 48, par. 138.16) and Illinois Occupational Diseases Act (Ill. Rev. Stat. 1987, ch. 48, par. 172.51).

SOURCE: Filed and effective March 1, 1977; amended at 5 Ill. Reg. 8910, effective August 24, 1981; codified at 7 Ill. Reg. 2345; emergency amendment at 8 Ill. reg. 15976, effective August 16, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3705, effective March 12, 1985, emergency amendment at 10 Ill. Reg. 6003, effective April 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 15615, effective September 10, 1986; emergency amendment at 14 Ill. Reg. <sup>4920</sup>, effective March 9, 1990, for a maximum of 150 days.

NOTE: Capitalization denotes statutory language.

Section 7100.100 Insurance Coverage: Compliance  
EMERGENCY



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- a) Employers to Insure Payment of Compensation
- Any employer who shall come within the provisions of paragraph 3 of the Illinois Workers' Compensation Act (Ill. Rev. Stat. 1987, Ch. 48, par. 138.3) or any employer who shall elect to provide and pay the compensation provided for in the Illinois Workers' Compensation Act and the Illinois Workers' Occupational Diseases Act shall insure payment of such compensation pursuant to Section 4(a) of the Acts by obtaining approval by the Industrial Commission to operate as a self-insurer or by insuring its entire liability to pay such compensation in some insurance carrier authorized, licensed, or permitted to do such insurance business in Illinois.
- b) Failure to Insure Payment of Compensation Liability - Penalty
- 1) THE COMMISSION MAY ASSESS A CIVIL PENALTY OF UP TO FIVE HUNDRED DOLLARS (\$500.00) PER DAY FOR EACH DAY OF THE KNOWING AND WILFUL FAILURE OR REFUSAL AFTER DECEMBER 18, 1989 OF:
- A) AN EMPLOYER TO COMPLY WITH ANY OF THE PROVISIONS OF SECTION 4(a) OF THE ACT; OR
- B) AN EMPLOYER, SERVICE OR ADJUSTMENT COMPANY OR AN INSURANCE CARRIER TO COMPLY WITH ANY ORDER OF THE INDUSTRIAL COMMISSION PURSUANT TO SECTION 4(c) OF THE ACTS DISQUALIFYING IT TO OPERATE AS A SELF-INSURER AND REQUIRING IT TO INSURE ITS LIABILITY WITH AN INSURANCE CARRIER. (Ill. Rev. Stat. 1987, ch. 48, pars. 138.4(d) and 172.39(d) as amended by P.A. 86-998, effective December 18, 1989.)
- 2) Penalties by the Commission may be assessed after reasonable notice and hearing in accordance with Subsection (d).
- c) Notice of Non-Compliance
- 1) The Industrial Commission shall give Notice of Non-Compliance to the employer. Service of the Notice of Non-Compliance upon the employer shall be by United States registered

## ILLINOIS REGISTER

ILLINOIS INDUSTRIAL COMMISSION  
NOTICE OF EMERGENCY AMENDMENTS

- or certified mail addressed to the employer at the last known address or to the representative thereof.
- 2) The Notice of Non-Compliance shall be a written statement setting forth, but not limited to, the following information:
- A) the name and address of the employer;
- B) a statement of the section of the statute alleged to be violated, the periods of non-compliance and the penalty which may be imposed;
- C) a statement that the employer must submit evidence of compliance or otherwise respond within thirty (30) days of the date of receipt of the notice. Examples of evidence of compliance are:
- i) a copy of the policy information page as required to be filed under Section 7100.30 which indicates coverage for the periods of alleged non-compliance;
- ii) a self-insurance certificate of approval covering the periods of alleged non-compliance.
- D) a statement that failure to respond to the Notice of Non-Compliance within the prescribed time period shall cause the Commission to set this matter for hearing in accordance with Subsection (d).
- 3) Informal Conference
- A) Where a Notice of Non-Compliance has been sent, the Commission may, at the request of the employer or on its own initiative, schedule the matter for an informal conference at which a designated representative of the Commission shall meet with the employer in an attempt to resolve the matter.
- B) A request by the employer for an informal conference must be received by the



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## NOTICE OF EMERGENCY AMENDMENTS

Commission within fifteen (15) days of the receipt of the Notice of Non-Compliance.

- C) The Commission shall send written notice to the employer at least seven (7) days prior to the scheduled conference.
- D) If the matter cannot be resolved at the conference, the Commission shall set the matter for hearing in accordance with Subsection (d).
- d) Hearings
- 1) Notice of Hearing; Locations
- A) A matter under this Section is commenced by the Industrial Commission by service of a Notice of Hearing upon the employer at least thirty (30) days prior to the time fixed for hearing. Service of the Notice shall be by United States registered or certified mail addressed to the employer at the last known address or to the representative thereof.

- B) The Notice of Hearing shall be a written statement setting forth, but not limited to the following information:

- i) the name and address of the employer;
- ii) the time, date and place of hearing;
- iii) the name of the Commissioner;
- iv) a statement of the section of the statute alleged to be violated, periods of non-compliance and the penalty which may be imposed; and
- v) a statement that failure to appear at the hearing where no continuance has been obtained prior to the hearing shall constitute a default and will result in a finding that there has been a knowing and wilful failure of

## ILLINOIS INDUSTRIAL COMMISSION

## NOTICE OF EMERGENCY AMENDMENTS

the employer to insure his liability to pay compensation in accordance with Section 4(a) of the Act or to comply with an order of the Commission under Section 4(c) and an assessment of penalties under Section 4(d) of the Act.

- C) The hearing shall be set at a site designated by the assigned Commissioner.

## 2) Assignment

- A) In all cases where the employer is principally located in Cook County, a matter to be scheduled for hearing under this Section shall be randomly assigned to a Commissioner.
- B) In all other cases, a matter to be scheduled for hearing under this Section shall be assigned to the Commissioner who serves that territory within which the employer is principally located.

## 3) Conduct of Hearings

- A) At the hearing the employer or his attorney shall be given the opportunity to show that there has been compliance with Section 4(a) or an order of the Commission under Section 4(c) or show cause why compliance has not been accomplished. The employer or his attorney shall have the opportunity to introduce evidence, to call and examine witnesses, and to cross-examine witnesses.
- B) THE COMMISSION OR ANY MEMBER THEREOF SHALL HAVE THE POWER TO ADMINISTER OATHS, TO SUBPOENA AND EXAMINE WITNESSES, AND TO ISSUE SUBPOENA DUCES TECUM REQUIRING THE PRODUCTION OF SUCH BOOKS, PAPERS, RECORDS OR DOCUMENTS AS MAY BE EVIDENCE TO DETERMINE THE ISSUE OF non-compliance. (Ill. Rev. Stat. 1987, ch. 48, par. 138.16.)
- C) The Illinois common law rules of evidence and the Illinois Evidence Act, Ill. Rev. Stat., Ch. 51, par. 1, et seq., shall apply



ILLINOIS INDUSTRIAL COMMISSION  
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except to the extent they conflict with the Illinois Workers' Compensation Act, the Illinois Occupational Diseases Act, or the Rules Governing Practice Before the Industrial Commission.

## e) Decision

The Commission, after the hearing is concluded, shall issue a decision which shall include:

- 1) the findings of the Commission;
- 2) where applicable, the dates of failure to insure and the amount of penalty assessed for each day;
- 3) the payment procedures as provided in Subsection (f); and
- 4) a statement of the conditions for a judicial review of the Commission's decision in accordance with the requirements of 50 Ill. Adm. Code 7060.

## f) Payment Procedures

Where the Commission assesses a penalty against an employer in accordance with Section 4(d) of the Illinois Workers' Compensation Act or Illinois Workers' Occupational Diseases Act, payment shall be made according to the following procedure:

- 1) payment of the penalty shall be made by certified check or money order made payable to the State of Illinois;
- 2) payment shall be mailed or presented within thirty (30) days of the final order of the Commission or the order of the court on review after final adjudication to:

Illinois Industrial Commission  
Fiscal Office  
100 West Randolph Street  
Suite 8-328  
Chicago, Illinois 60601  
1-312/814-6625

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(SOURCE: Emergency rule added at 14 Ill. Reg. 4920 effective March 9, 1990 for a maximum of 150 days.)



## NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: MISCELLANEOUS

2) Code Citation: 50 Ill. Adm. Code 7110

3) Section Number: Emergency Action:  
7110.80 New Section

4) Statutory Authority: Implementing and authorized by the Workers' Compensation Act (Ill. Rev. Stat. 1987, ch. 48, pars. 138.1 et seq., as amended by P.A. 86-998, effective December 18, 1989).

5) Effective Date of Rule: March 9, 1990

6) If this Emergency Rule is to Expire Before the End of the 150 day Period, Please Specify the Date: N/A

7) Date Filed in the Agency's Principal Office: March 9, 1990

8) The Reason for the Emergency: The General Assembly amended Section 7(f) of the Workers' Compensation Act to provide that if the Commission finds, after reasonable notice and hearing, that an employer has willfully and knowingly failed to pay the proper amounts into the Rate Adjustment Fund or the Second Injury Fund as required by Section 7(f) of the Act, the Commission may assess against the employer a penalty of 20% of the amount due or \$2,500.00, whichever is greater, for each year or part thereof of such failure to pay. All or part of the penalty may be waived for good reason shown. The amendment further provides that any obligations of an employer accruing prior to December 18, 1989 shall be paid in full by the employer within 5 years of December 18, 1989, with at least one-fifth of the obligation to be paid during each year following December 18, 1989. Upon a finding by the Commission, after reasonable notice and hearing, that an employer has failed to make timely payments of these obligations, the Commission may assess a penalty against the employer equal to 20% of the overdue obligation or \$2,500.00, whichever is greater, for each year or part thereof that the obligation is overdue. All or part of the penalty may be waived by the Commission for good cause shown. This statutory amendment is effective December 18, 1989. The Commission believes that these emergency rules are necessary as these changes must be implemented in rules immediately to enable the Commission to determine whether employers and insurance carriers are in compliance with the law. It is

## NOTICE OF EMERGENCY AMENDMENTS

crucial to the public interest and to the safety and welfare of recipients of benefits under these Funds that proper contributions are timely made by employers and insurance carriers. It is essential that procedures be in place immediately to enable the Commission to determine whether employers and insurance carriers are in compliance with the law.

9) A Complete Description of the Subjects and Issues Involved: New Section 7110.80 has been established to provide procedures to implement the amendment to Section 7(f) of the Workers' Compensation Act. The rule provides that for purposes of verifying the amounts paid into the Rate Adjustment Fund and Second Injury Fund, the Chairman shall by May 1 of each year furnish information regarding payment into the Funds to the Director of the Department of Insurance. The Director shall verify to the Chairman that the amounts paid are accurate as best he can determine by September 1 of each year. Under the rule, a procedure is established by which the Chairman may require self-insured employers to provide additional information relating to their contributions to the Funds. The rule establishes a procedure by which employers and insurance carriers are notified of a deficiency and by which they must respond to the Notice. The rule provides for an informal conference procedure by which an employer or an insurance carrier may meet with a representative of the Industrial Commission in an attempt to resolve the matter prior to a formal hearing. Procedures regarding notice and formal hearing before the Commission are established. The rule includes a format for the decision by the Commission and procedures for the payment of penalties.

10) Whether there are any proposed amendments pending on this Part: No

11) A statement of Statewide Policy Objectives: N/A

12) The name, address and telephone number of the person to whom information and questions regarding this adopted rule should be directed:



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## NOTICE OF EMERGENCY AMENDMENTS

Kathryn A. Kelley  
Counsel  
Illinois Industrial Commission  
100 West Randolph Street  
Suite 8-272  
Chicago, Illinois 60601  
1-312/814-6559

The full text of the emergency amendment begins on the next page:

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## NOTICE OF EMERGENCY AMENDMENTS

TITLE 50: INSURANCE  
CHAPTER II: INDUSTRIAL COMMISSION

PART 7110  
MISCELLANEOUS

Section  
7110.10  
7110.20  
  
7110.30  
7110.40  
  
7110.50  
7110.60  
7110.70  
  
7110.80

Vocational Rehabilitation  
Petitions under Sections 19(h), 8(a), and 7(a)  
of the Act  
Commission Meetings: Minutes  
Petition to Suspend Compensation for Failure to  
Submit to Proper Medical Treatment  
Petitions under Section 19(o)  
Distribution of Industrial Commission Handbook  
Explanation or Denial of Liability or Further  
Responsibility for Medical Care  
Rate Adjustment Fund and Second Injury Fund  
Contributions: Compliance

EMERGENCY

AUTHORITY: Implementing and authorized by the Workers' Compensation Act (Ill. Rev. Stat. 1987, ch. 48, pars. 138.1 et seq., as amended by P.A. 86-998, effective December 18, 1989).

SOURCE: Filed and effective March 1, 1977; amended at 5 Ill. Reg. 5533, effective May 12, 1981; amended at 6 Ill. Reg. 8040, effective July 1, 1982; codified at 7 Ill. Reg. 2352; emergency amendment at 14 Ill. Reg. <sup>4929</sup>, effective March 9, 1990, for a maximum of 150 days.

NOTE: Capitalization denotes statutory language.

Section 7110.80 Rate Adjustment Fund and Second Injury  
Fund Contributions: Compliance

EMERGENCY

- a) Employers Required to Make Payments to Rate  
Adjustment Fund and Second Injury Fund

Any employer who shall come within the provisions of Section 3 of the Illinois Workers' Compensation Act (Ill. Rev. Stat. 1987, Ch. 48, par. 138.3) or any employer who shall elect to provide and pay the compensation provided for in the Illinois Workers' Compensation Act and the Illinois Workers' Occupational Diseases Act shall pay into the Rate Adjustment Fund and the Second Injury Fund in



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NOTICE OF EMERGENCY AMENDMENTS

accordance with the provisions of Section 7(f) of the Illinois Workers' Compensation Act.

b) Penalties

1) IF THE COMMISSION FINDS AFTER REASONABLE NOTICE AND HEARING in accordance with subsection (e), THAT AN EMPLOYER OR INSURANCE CARRIER ON BEHALF OF THE EMPLOYER HAS WILFULLY AND KNOWINGLY FAILED TO PAY ANY OBLIGATIONS ACCRUING AFTER DECEMBER 18, 1989 INTO THE RATE ADJUSTMENT FUND OR THE SECOND INJURY FUND AS REQUIRED BY SECTION 7(f) OF THE ACT OR IF SUCH PAYMENTS ARE NOT MADE WITHIN THE TIME PERIODS PRESCRIBED BY SECTION 7(f) OF THE ACT, THE EMPLOYER SHALL, IN ADDITION TO SUCH PAYMENTS, PAY A PENALTY OF 20% OF THE AMOUNT REQUIRED TO BE PAID OR TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), WHICHEVER IS GREATER, FOR EACH YEAR OR PART THEREOF OF SUCH FAILURE TO PAY. (Ill. Rev. Stat. 1987, ch. 48, par. 138.7(f), as amended by P.A. 86-998, effective December 18, 1989.)

2) Obligations accruing prior to December 18, 1989:

A) ANY OBLIGATIONS OF AN EMPLOYER OR INSURANCE CARRIER TO THE RATE ADJUSTMENT FUND OR THE SECOND INJURY FUND ACCRUING PRIOR TO DECEMBER 18, 1989 SHALL BE PAID IN FULL BY SUCH EMPLOYER WITHIN 5 YEARS OF DECEMBER 18, 1989, WITH AT LEAST ONE-FIFTH OF SUCH OBLIGATION TO BE PAID DURING EACH YEAR FOLLOWING DECEMBER 18, 1989.

i) Such obligations shall be paid pursuant to an agreement signed by the employer or by the insurance carrier on behalf of the insured employer.

ii) The agreement shall include the amount of the obligation and the date each payment is due.

B) IF THE COMMISSION FINDS AFTER REASONABLE NOTICE AND HEARING in accordance with Subsection (e), THAT AN EMPLOYER OR INSURANCE CARRIER HAS FAILED TO MAKE TIMELY PAYMENTS OF ANY OBLIGATION ACCRUING in Subsection 2(A) above, THE EMPLOYER SHALL,

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IN ADDITION TO ALL OTHER PAYMENTS REQUIRED, BE LIABLE FOR A PENALTY EQUAL TO 20% OF THE OVERDUE OBLIGATION OR TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), WHICHEVER IS GREATER, FOR EACH YEAR OR PART THEREOF, THAT THE OBLIGATION IS OVERDUE.

3) ALL OR PART OF ANY PENALTY ASSESSED BY THE COMMISSION MAY BE WAIVED FOR GOOD CAUSE SHOWN by a Commission panel.

c) Verification of amounts paid by employers into the Rate Adjustment Fund and Second Injury Fund.

1) THE CHAIRMAN SHALL by May 1 of each year FURNISH TO THE DIRECTOR OF THE ILLINOIS DEPARTMENT OF INSURANCE A LIST OF THE AMOUNTS PAID INTO THE SECOND INJURY FUND AND THE RATE ADJUSTMENT FUND BY EACH INSURANCE COMPANY ON BEHALF OF THEIR INSURED EMPLOYERS. THE DIRECTOR SHALL VERIFY TO THE CHAIRMAN on or before September 1 of each year THAT THE AMOUNTS PAID BY EACH INSURANCE COMPANY ARE ACCURATE AS BEST THE DIRECTOR CAN DETERMINE FROM THE RECORDS AVAILABLE TO THE DIRECTOR.

2) THE CHAIRMAN SHALL VERIFY THAT THE AMOUNTS PAID BY EACH SELF-INSURER ARE ACCURATE AS BEST AS THE CHAIRMAN CAN DETERMINE FROM RECORDS AVAILABLE TO THE CHAIRMAN. The Chairman may, upon written notice, require that each self-insurer provide the following:

- A) INFORMATION on forms provided by the Commission CONCERNING THE TOTAL COMPENSATION PAYMENTS MADE UPON WHICH CONTRIBUTIONS TO THE RATE ADJUSTMENT FUND AND SECOND INJURY FUND ARE PREDICATED, AND
- B) ANY ADDITIONAL INFORMATION ESTABLISHING THAT PAYMENTS HAVE BEEN MADE INTO THE RATE ADJUSTMENT FUND AND THE SECOND INJURY FUND.

3) Any information requested under Subsection (c)(2) above shall be provided to the Commission by the self-insurer within thirty (30) days of the date of the notice.

d) Notice of Deficiency - Informal Conference



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## 1) Notice of Deficiency

A) Where the records of the Industrial Commission or the Department of Insurance show that a deficiency exists regarding payment into the Rate Adjustment Fund or the Second Injury Fund, the Industrial Commission shall give notice of the deficiency to the insurance carrier, or the self-insured employer. Service of the Notice of Deficiency shall be by United States registered or certified mail addressed to the insurance company or the self-insured employer at the last known address or to a representative thereof and to the State Treasurer as ex-officio Custodian of the Rate Adjustment Fund and the Second Injury Fund.

B) The Notice of Deficiency shall be a written statement setting forth, but not limited to, the following information:

- i) the name and address of the insurance carrier or the self-insured employer or representative thereof;
- ii) a statement of the statute alleged to be violated, the dates of non-payment or underpayment, the amount of deficiency and the penalty which may be imposed;
- iii) a statement that the self-insured employer or insurance carrier must cure the deficiency or otherwise respond within thirty (30) days of the receipt of the Notice;
- iv) a statement that the failure to respond to a Notice of Deficiency within the prescribed time period shall cause the Commission to set the matter for hearing in accordance with Subsection (e).

## 2) Informal Conference

A) Where a Notice of Deficiency has been sent

## ILLINOIS INDUSTRIAL COMMISSION

## NOTICE OF EMERGENCY AMENDMENTS

the Commission may at the request of the self-insured employer or insurance carrier, or on its own initiative, schedule the matter for an informal conference at which a designated representative of the Commission shall meet with the self-insured employer or the insurance carrier in an attempt to resolve the matter.

B) A request by the self-insured employer or the insurance carrier for an informal conference shall be included in the response to the Notice of Deficiency.

C) The Commission shall send written notice of the time and place of the conference to the self-insured employer or the insurance carrier and State Treasurer as ex-officio Custodian of the Rate Adjustment Fund and the Second Injury Fund at least fifteen (15) days prior to the scheduled conference.

D) The conference shall be held at a site designated by the Commission.

E) If the matter cannot be resolved at the conference, the Commission shall set the matter for hearing in accordance with Subsection (e).

## e) Hearings

## 1) Notice of Hearing; Locations

A) Any matter under this Section is commenced by the Industrial Commission by service of a Notice of Hearing upon the insurance carrier or self-insured employer and the State Treasurer as ex-officio Custodian of the Rate Adjustment Fund and the Second Injury Fund. Notice of Hearing shall be given at least thirty (30) days prior to the time fixed for hearing. Service of the Notice of Hearing shall be by United States registered or certified mail addressed to the insurance carrier or the self-insured employer at the last known address or to a representative thereof and to the



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State Treasurer as ex-officio Custodian of the Rate Adjustment Fund and the Second Injury Fund.

- B) The Notice of Hearing shall be a written statement setting forth, but not limited to, the following information:
- i) the name and address of the insurance carrier or self-insured employer;
  - ii) the time, date and place of hearing;
  - iii) the name of the hearing Commissioner;
  - iv) a statement of the statute alleged to be violated and the penalty which may be imposed;
  - v) a statement of the amount of the deficiency and the dates of non-payment or underpayment;
  - vi) a statement that failure to appear at the hearing where no continuance has been obtained from the Commissioner prior to the hearing shall constitute a default and will result in a finding that there has been a wilful and knowing failure to comply with Section 7(f) and an assessment of penalties.

- C) The hearing shall be set at a site designated by the assigned Commissioner.

## 2) Assignment

- A) In cases where the employer is principally located in Cook County, a matter for hearing under this Section shall be randomly assigned to a Commissioner.
- B) In all other cases, a matter to be scheduled for hearing under this Section shall be assigned to a Commissioner who serves that territory within which the employer is principally located.

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## 3) Conduct of Hearings

- A) The records of the Industrial Commission and the Department of Insurance regarding deficiency in payment shall be considered prima facie evidence of failure to comply with Section 7(f) of the Act.
- B) At the hearing the insurance carrier or self-insured employer shall be given the opportunity to rebut the evidence of deficiency.
- C) Any party, including the State Treasurer as ex-officio Custodian of the Rate Adjustment Fund and the Second Injury Fund, shall have the right to introduce evidence, to call and examine witnesses and to cross-examine witnesses.
- D) THE COMMISSION, OR ANY MEMBER THEREOF, SHALL HAVE THE POWER TO ADMINISTER OATHS, TO SUBPOENA AND EXAMINE WITNESSES AND TO ISSUE SUBPOENA DUCES TECUM REQUIRING THE PRODUCTION OF SUCH BOOKS, PAPERS, RECORDS OR DOCUMENTS AS MAY BE EVIDENCE TO DETERMINE THE ISSUE OF non-compliance. (Ill. Rev. Stat. 1987, ch. 48, par. 138.16.)
- E) The Illinois common law rules of evidence and the Illinois Evidence Act, Ill. Rev. Stat. Ch. 51, par. 1, et seq., shall apply at the hearing except to the extent they conflict with the Illinois Workers' Compensation Act, the Illinois Workers' Occupational Diseases Act and the Rules Governing Practice Before the Industrial Commission.

## f) Decision

The Commission, after the hearing is concluded, shall issue a decision which shall include:

- 1) the findings of the Commission;
- 2) where applicable, the amount of the penalty assessed and the basis for the amount;



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- 3) the payment procedures as provided in Subsection (g);
- 4) a statement of the conditions for a judicial review of the Commission decision in accordance with the requirement of 50 Ill. Adm. Code 7060.

## g) Payment Procedure

Where the Commission assesses a penalty against an employer in accordance with Section 7(f) of the Illinois Workers' Compensation Act payment shall be made according to the following procedure:

- 1) payment of the penalty shall be made by certified check or money order made payable to the State of Illinois.
- 2) payment shall be mailed or presented within thirty (30) days of the final order of the Commission or the order of the court on review after final adjudication to:

Illinois Industrial Commission  
Fiscal Office  
100 West Randolph Street  
Suite 8-328  
Chicago, Illinois 60601  
1-312/814-6625

(SOURCE: Emergency rule added at 14 Ill. Reg. 4929 effective March 9, 1990 for a maximum of 150 days.)

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- 1) Heading of the Part: Review
- 2) Code Citation: 50 Ill. Adm. Code 7040
- 3) Section Numbers: Emergency Action:  
7040.10 Amendment  
7040.40 Amendment  
7040.70 Amendment
- 4) Statutory Authority: Implementing Section 19 and authorized by Section 16 of the Illinois Workers' Compensation Act (Ill. Rev. Stat. 1987, ch. 48, pars. 138.19 and 138.16, as amended by P.A. 86-998, effective December 18, 1989.)

- 5) Effective Date of the Rules: March 9, 1990

- 6) If the Emergency Rules are to expire before the end of the 150 day period, please specify the date: Not Applicable.

- 7) Date filed in the agency principal office: March 9, 1990

- 8) The reason for the emergency is: The General Assembly amended the Workers' Compensation Act and the Workers' Occupational Diseases Acts. The amendments are effective December 18, 1989. Section 19(b) of the Act was amended to provide that a Petition for Review of the decision of the arbitrator shall contain a statement of the petitioning party's specific exceptions to the decision of the arbitrator. Section 7040.10 of the rules has been amended to reflect this change. Section 19(e) of the Act was amended to provide that in all cases in which the hearing before the arbitrator is held after the effective date of the amendatory Act, no additional evidence shall be introduced by the parties on review of the arbitrator's decision. Sections 7040.40 and 7040.70 of the rules have been amended to provide procedures for the conduct of hearings on review, filing a request for special findings, and establishing a briefing schedule in these cases. These procedures are different from those in cases on review under Section 19(b) of the Act in which the hearing before the arbitrator was held on or before December 18, 1989. In these cases, the Commission will continue to allow additional evidence on review. The Commission believes that these emergency rules are necessary



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as the statutory changes must be implemented in rules immediately to enable the parties and the Commission to proceed in cases on review of the decision of the arbitrator without undue delay.

The General Assembly also amended Section 13 of the Workers' Compensation Act to provide that no later than January 1, 1990, the Governor shall appoint a special panel of Commissioners, by and with the consent of the Senate, comprised of three (3) certified arbitrators. The three (3) members shall hold office until the Commission in consultation with the Governor determines that the caseload on review has been reduced sufficiently to allow cases to proceed in a timely manner or for a term of 18 months from the date of their appointment by the Governor, whichever shall be earlier. The panel will assist the Commission in reducing the backlog on review. The special panel will be deciding cases in which proofs have already been closed on review. In order to assist the special panel, which serves for a limited period, it is necessary to provide by emergency rule that a Commissioner, including those serving on the special panel, may request the reviewing party to file an Abstract of the Record. The abstracts will be helpful to the Commissioners in reviewing the case files.

9) A complete description of the subjects and issues involved:

Section 7040.10 has been amended to provide that a Petition for Review shall contain a statement of the petitioning party's specific exceptions to the Decision of the Arbitrator. Section 7040.10 has also been amended to provide a procedure for the authentication and submission of the arbitration transcript in cases in which the arbitration hearing was held after December 18, 1989.

Section 7040.40 has been amended to provide for the conduct of review hearings in cases on review under Section 19(b) of the Act in which the first hearing of record before the Arbitrator was commenced on or before December 18, 1989. This Section has also been amended to provide that in all cases on review under Section 19(b) of the Act in which the first hearing of record before the Arbitrator is commenced after December 18, 1989, no additional evidence shall be introduced by the parties on review before the Commission. This Section further provides for the time within which a party may request

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special findings and file interrogatories in these cases.

Section 7040.70 has been amended to provide the time period within which the statement of exceptions and/or additions and supporting brief and a response thereto must be filed in cases on review under Section 19(b) of the Act in which the first hearing of record before the Arbitrator is commenced after December 18, 1989. Language in Section 7040.70 that failure to timely file a statement of exceptions and/or additions and supporting brief will result in the Commission denying the relief sought has been deleted. Section 7040.70 has been amended to provide the in all cases in which an Abstract of the Record has not been filed by January 1, 1990, any Commissioner, including those serving on the special panel, may request the party who appealed first to file an Abstract of the Record.

10) Whether there are any proposed amendments pending on this Part: No

11) A Statement of Statewide Policy Objectives: N/A

12) The name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed:

Kathryn A. Kelley  
Counsel  
Illinois Industrial Commission  
100 W. Randolph Street  
Suite 8-272  
Chicago, Illinois 60601  
(312) 814-6559

The full text of the emergency amendments begin on the next page:



## ILLINOIS REGISTER

## ILLINOIS INDUSTRIAL COMMISSION

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 50: INSURANCE  
CHAPTER II: INDUSTRIAL COMMISSIONPART 7040  
REVIEW

## Perfecting a Review

Section  
7040.10  
EMERGENCY

## Assignment of Reviews

## Review Hearing Dates and Places

## Conduct of Review Hearings

EMERGENCY  
7040.40  
7040.50

## Remanding Orders

Continuances for Oral Argument(s) and Extension(s)  
of Time for Filing Statements of Exception(s)  
and/or Addition(s) and Supporting Briefs and  
AbstractsStatements of Exception(s) and/or Addition(s) and  
Supporting Briefs and AbstractsEMERGENCY  
7040.80

## Commission Decision on Review

AUTHORITY: Implementing Section 19 and authorized by Section 16 of the Workers' Compensation Act (Ill. Rev. Stat. 1987, ch. 48, pars. 138.19 and 139.16, as amended by P.A. 86-998, effective December 18, 1989.)

SOURCE: Filed and effective March 1, 1977; amended at 2 Ill. Reg. 22, p. 90, effective May 25, 1978; amended at 6 Ill. Reg. 840, effective July 1, 1982; emergency amendment at 6 Ill. 15307, effective December 7, 1982 for a maximum of 150 days; codified at 7 Ill. Reg. 2345, amended at 8 Ill. Reg. 4499, effective March 28, 1984; amended at 9 Ill. Reg. 16249 effective October 15, 1985; emergency amendment at 19 Ill. Reg. 19133, effective 11/20/85, for a maximum of 150 days; and amended at 10 Ill. Reg. 8100, effective May 5, 1986; emergency amendment at 14 Ill. Reg. <sup>4940</sup>, effective March 9, 1990, for a maximum of 150 days.

## Section 7040.10 Perfecting a Review

EMERGENCY

## a) Time for filing

## 1) Petitions for Review of an arbitration

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decision shall be filed in duplicate with the Commission within the time provided by statute.

2) The Petition for Review shall contain a statement of the petitioning party's specific exceptions to the Decision of the Arbitrator.

## b) Order of Arbitration Transcript

1) Stenographic reports of proceedings before the Industrial Commission shall be furnished the parties only upon written order filed with the Commission.

2) For purposes of perfecting a review, an arbitration transcript must be ordered within the time fixed by statute. The estimated cost of the transcript of proceedings may be obtained from the Industrial Commission, and the party requesting such transcript shall deposit a sum of money covering the estimated cost before the reporter shall be required to complete the transcript. An order entered pursuant to Section 20 of the Workers' Compensation Act may be submitted for said monetary deposits.

## c) Notice of Additional Evidence

Parties desiring to introduce additional evidence shall, not less than five (5) days before the date of the hearing on review, give the opposite party a notice apprising him of the fact that additional evidence will be submitted and the nature thereof, at which time a copy of such notice shall also be filed with the Industrial Commission.

## d) Authentication of Transcript

1) For purposes of perfecting a review, the transcript of arbitration proceedings must be authenticated in the manner provided by statute, and presented to the Commission prior to or at the time set for hearing on review.



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2) In all cases in which the first hearing of record before the arbitrator is commenced after December 18, 1989, the following procedure shall apply:

- A) Subsections (c) and (d) are not applicable.
- B) The original stenographic reports of proceedings shall be file-stamped and transmitted to the reviewing parties. Copies of the transcripts shall be furnished the parties only upon written request filed with the Commission.
- C) Not later than seven (7) days after the date that the original stenographic report is file-stamped, the Industrial Commission shall cause to be forwarded a transmittal letter. The transmittal letter shall be forwarded to the reviewing party and the non-reviewing party or parties and shall include the following:
  - i) confirmation of the transmittal of the original stenographic report to the reviewing party;
  - ii) notification of the setting of the Return Date on Review for purpose of filing the authentication of the transcript; and
  - iii) a transcript authentication compliance form.

D) The Return Date on Review shall be set before a designated Commission employee at a designated Commission office within thirty (30) days of the transmittal letter. The Return Date on Review shall be limited to the filing of the authenticated transcript. No continuances shall be

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allowed for the Return Date on Review except under extraordinary circumstances.

- E) Prior to the date set for the Return Date on Review for the purpose of authentication of the transcript, the parties may elect to submit the original stenographic report, duly authenticated by the parties, to the Industrial Commission Review Department. This shall be verified by filing with the original stenographic report a transcript authentication compliance form.
- F) In the event that the parties cannot agree to authenticate the stenographic report, then on motion of either party, the arbitrator who heard the case shall review the stenographic report, authenticate same and file the authenticated report with the Review Department.

(Source: Emergency rule added at 14 Ill. Reg. 4940 effective March 9, 1990, for a maximum of 150 days.)

Section 7040.40 Conduct of Review Hearing  
EMERGENCY

- a) All cases on review under Section 19(b) of the Act in which the first hearing of record before the Arbitrator was commenced on or before December 18, 1989 shall proceed as follows:

a)1) Order of Proof

The reviewing party, or the party whose review is filed first, shall have the right to open and close the evidence.

b)2) Limitation of Evidence

Evidence may be adduced on review of if the evidence:



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- 1) A relates to the condition of the Petitioner since the time of the arbitration hearing; or
- 2) B relates to matters that occurred or conditions that developed after the arbitration hearing; or
- 3) C was not introduced at the arbitration hearing for good cause.
- b) In all cases on review under Section 19(b) of the Act in which the first hearing of record before the Arbitrator is commenced after December 18, 1989, no additional evidence shall be introduced by the parties before the Commission.
- c) Briefing-Schedule-Deleted
- d) C Special Findings
- 1) Either party may request in writing that the Commission make special findings upon any written question or questions of law or fact (not to exceed five (5) in number) submitted to it concerning issues raised by the review. Said interrogatories must be filed at least five (5) days prior to the Oral Argument or five (5) days after completion of the review hearing, whichever is later.
- 2) In all cases referred to in Subsection (b) above, said interrogatories must be filed at least five (5) days prior to the Oral Argument or five (5) days after the filing of the transcript, whichever is later.
- 3) A copy of the interrogatories must be served on the other side with appropriate proof of service.

(Source: Emergency rule added at 14 Ill. Reg. 4940, effective March 9, 1990 for a maximum of 150 days.)

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Section 7040.70 Statements of Exception(s) and/or Addition(s)  
EMERGENCY and Supporting Briefs and Abstracts

- a) Except in cases where Section 19(b-1) Petitions have been filed, each party filing a petition for review of the Arbitrator's decision, or other proceedings such as under Sections 19(h) or 8(a) in which the right to oral arguments has been granted, or in which written statements of the parties have been ordered by the Commission, shall file its statements of exception(s) and/or addition(s) and supporting brief setting forth:

- 1) the identity of the party filing;
- 2) the names of the parties and the Commission's number of the cases;
- 3) the name of the Commissioner to whom the case has been assigned on Review;
- 4) the date, if any, scheduled for oral argument;
- 5) the name of the Arbitrator who rendered the decision or entered the order most recently prior to the filing of the party's petition;
- 6) the Arbitrator's findings, to include, whenever applicable:
  - A) date of accident and/or (last) exposure found or alleged;
  - B) the number of weeks of temporary total disability compensation awarded, and the amount of compensation paid;
  - C) the dollar amount of medical expenses awarded;
  - D) the nature of the disability and/or disfigurement and the number of weeks for disfigurement



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or the percentage of loss for permanent partial disability or specific loss, if any, awarded, or the fact of any award of benefits by reason of death or permanent total disability;

- E) the dollar amount of any awards, or other findings, under Sections 4(i), 8(f), 19(k), and Section 19(l), of the Workers' Compensation Act, if any,

7) appellant's statement of exception(s) and/or addition(s) to the Arbitrator's decision to include:

- A) separate headings identifying each issue asserted as an exception or addition;
- B) statements of particular evidence in the record pertaining to each such issue, together with citation of any legal authorities, including, Commission decisions, which support the position of that issue.

- b) three (3) copies of the appellant's statement of exception(s) and/or addition(s) and the supporting brief shall be filed with the Commission and served on all parties not later than (30) days from the date of closing of proofs on Review if no transcript of the hearing on Review is to be prepared, or 30 days from the date of notice of mailing or transmittal of the transcript of evidence on Review whenever such a transcript is to be prepared. The appellee may submit a response, in which case he must file three (3) copies of the response with the Commission and serve copies thereof on all parties within 15 days from the last day allowed for the filing of appellant's statement of exception(s) and/or addition(s) and supporting brief. Such a statement of exception(s) and/or addition(s) and supporting brief, and any response

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thereto, shall be written or printed on one side of no more than twenty (20) 8-1/2" x 11" sheets of paper, and shall include a certificate of the date and manner of service of copies on all other parties.

- c) In addition to the statement of exception(s) and/or addition(s) and supporting brief required in the above paragraph depending on the size of the case and the complexity of the issues involved, the reviewing Commissioner may order that an abstract of the record be filed with the Commission and served on all parties by each appealing party not later than (30) days from the date of closing of proofs on Review or (30) days from the date of notice of mailing or transmittal of the transcript of evidence on Review and each responding party shall have (15) days from the last day allowed for the filing of the opposing appellant's supporting brief within which to file a supplemental or corrected abstract. Appellant's reply, if filed, shall be limited to the matter raised in the supplemental or corrected abstract and response and shall be filed within ten (10) days after the date for filing of the appellee's abstract.

- d) All documents filed under this section shall bear the caption of the case, including the Commission case number, and shall include the name of the Commissioner to whom the case has been assigned for the Review proceedings, together with the date set for oral argument, when applicable, directly under the case number in the caption. Documents filed pursuant to this section will not be considered to have met the requirements for filing if they do not comply with the requirements of subsection 1) or are not filed timely in compliance with the requirements of subsection 2) of this section. The Commission will only consider, and oral arguments will be limited to, the issues raised in both the Review proceedings stipulation form or its equivalent for proceedings such as those under Section 19(h) and (f) and in the party's statement of exception(s) and/or addition(s) and supporting brief, and to



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those in any complying response thereto. Failure of any appellant or petitioning party to file timely any statement of exception(s) and/or addition(s) and supporting brief as required by this section, including an abstract when required under paragraph 3) of this section, shall constitute waiver of the right to oral argument by that party and an election not to advise the Commission of any reason to change the Arbitrator's decision or to grant the petition; and in any case in which no appealing party has filed a statement of exception(s) and/or addition(s) and supporting brief together with any abstract required by this section, neither party will be entitled to an oral argument before the Commission and the relief sought will be denied.

e) Timely filing shall be shown by:

- 1) the date file stamped on the document at the time of receipt by the Commission at its office in Chicago, Illinois;
- 2) a legible postmark date at least two (2) calendar days prior to and exclusive of the date on which such document was due to be filed in accordance with this rule, applied by the U. S. Postal Service, and not by a party, to the envelope in which the document is received by the Commission at its offices in Chicago, Illinois, or the date applied by the U. S. Postal Service to a certified or registered mail receipt bearing the same certification or registry number as the envelope in which the document was received by the Commission at its offices in Chicago, Illinois, showing a date of mailing which is not less than two (2) calendar days prior to and exclusive of the date on which such document was due to be filed. If the date, required for filing or mailing falls on a Saturday, Sunday, or holiday, the time for filing or mailing shall be the next date which is not a Saturday, Sunday or holiday.

f) In all cases on review under Section 19(b) of the Act in which the first hearing of record before the

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arbitrator is commenced after December 18, 1989, three (3) copies of the appellant's statement of exception(s) and/or addition(s) and supporting brief shall be filed with the Commission and served on all parties not later than thirty (30) days from the Return Date on Review. The appellee may submit a response, in which case he must file three (3) copies of the response with the Commission and serve copies thereof on all parties within fifteen (15) days from the last day allowed for the filing of appellant's statement of exception(s) and/or addition(s) and supporting brief. Such a statement of exception(s) and/or addition(s) and supporting brief, and any response thereto, shall be written or printed on one side of no more than twenty (20) 8-1/2" x 11" sheets of paper, and shall include a certificate of the date and manner of service of copies on all other parties.

- 1) The requirements set forth in Subsections (a) and (e) above are applicable to Subsection (f).
- 2) Subsection (d) is applicable to Subsection (f).
- 3) Subsection (c) above is applicable with the addition that in any case assigned to the Special Panel in which an Abstract of the Record has not been filed by January 1, 1990 or in any case remaining before the permanent panel of Commissioners, the Special Panel or, any reviewing Commissioner of the permanent panels may, by written notice to the parties, request the party appealing first to file an Abstract of the Record within thirty (30) days of the notice. The other party may file a supplemental Abstract within fifteen (15) days of the receipt of the original Abstract.

(Source: Emergency rule added at 14 Ill. Reg. 4940, effective March 9, 1990, for a maximum of 150 days.)



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1) The Heading of the Part: Meat and Poultry Inspection Act2) The Code Citation: 8 Ill. Adm. Code 1253) Section Number: Peremptory Action:

125.190	Amended
125.200	Amended
125.260	Amended
125.270	Amended
125.380	Amended
125.390	Amended

4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulening: The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 316); the Federal Meat Inspection Act (21 U.S.C.A. 661); the Federal Poultry Inspection Act (21 U.S.C.A. 454); 55 FR 5976, 7472, 7289, and 7294 (1990).5) Statutory Authority: The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 316)6) Effective Date: March 23, 19907) A Complete Description of the Subjects and Issues Involved:

In order to maintain an "equal to" status with the federal meat and poultry inspection programs as required by the Federal Meat Inspection Act, the Federal Poultry Inspection Act, and in compliance with Section 16 of The Meat and Poultry Inspection Act, changes in the federal rules relative to meat and poultry inspection are hereby adopted.

The Ante-Mortem and Post-Mortem requirements in the federal rules have been amended regarding the requirements for certifications under the voluntary certification program for young calves. The revisions will provide consistency among all certifications whereby producers and subsequent custodians of young calves certify that their animals have not been treated with drugs or have been treated with one or more drugs in accordance with label directions approved by the Food and Drug Administration and have been withheld from slaughter for the period(s) of time specified by those label directions. Further, the definition of certified calf has been amended by including any subsequent custodians of calves, along with producers, as parties who must provide certifications with respect to the calves. The certifications must be attached to the most recent certification when the calf is presented for slaughter. This is a voluntary program and costs should be minimal.

The federal poultry products inspection regulations were amended to permit the use of a dry mixture of sodium alginate, lactic acid, calcium lactate, and calcium carbonate to produce an edible binder for addition to ground and formed poultry products. These substances are generally recognized as safe for use in foods separately or in a dry mixture according to the U.S.D.A. This binder mixture will enable these poultry products to be marketed in a raw state as well as in a cooked state. The revisions permit voluntary use of such products so there should not be any economic impact.

The federal meat and poultry rules have been amended to better define and limit the substances which are permitted to be designated only as "spice," "natural flavor," "natural flavoring," "flavor" or "flavoring" in the list of ingredients on labels for meat and poultry products. The revisions address the use of substances which are often added to product for purposes such as flavor enhancers, emulsifiers, stabilizers, binders, extenders and as nutrient sources. Most of the substances that are affected are proteinaceous (substances containing protein or nitrogen) materials having nutritional value and which may be considered foods in their own right. When used in meat and poultry products, these substances must be identified separately in the list of ingredients on product labels by their standard, common or usual names, thereby informing consumers of the origin of these substances. Substances which are livestock or poultry origin must include the species and animal tissues from which they are derived unless exempted. The intent of the rule is to address personal, cultural and religious concerns of consumers as well as allergies that persons may have to certain substances. Because the revisions may have an economic impact by requiring labels to be revised, the effective date for enforcement has been delayed for 6 months to give the industry time to exhaust their supply of current labels and order new ones. The economic impact on establishments is unknown.

The federal meat inspection regulations have been amended to define the kinds of proteins which will be credited as of livestock or poultry origin and those that will not be credited as livestock or poultry origin when added water is calculated in cooked sausages, and to set forth the method by which the Food Safety and Inspection Service determines the quantity of added water in cooked sausages. Added water means any water not attributable to ingredients of slaughtered livestock or poultry origin, except those processed by hydrolysis, extraction, concentrating, or drying; and any water not attributable to one percent of the formula weight of the cooked sausage by ingredients of slaughtered livestock or poultry processed by hydrolysis, extraction, concentrating, or drying or by ingredients from any other protein contributing source. The amount of added water in cooked sausage is limited to a maximum percentage of finished product weight. These revisions may cause cooked sausage processors to reformulate their product and make some minor labeling changes. Because of the possible economic impact, the effective date of the rule changes has been delayed 6 months to give processors time to adjust their methods and order new labels. The economic impact is unknown.



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- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principal Office: March 9, 1990
- 10) This rule is in compliance with Section 5.03 of the Illinois Administrative Procedure Act.
- 11) Are there any proposed amendments pending to this Part? No
- 12) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local governments.
- 13) Information and questions regarding this adopted amendment shall be directed to:  
 Name: Donna Garman  
 Address: Illinois Department of Agriculture, State Fairgrounds,  
 Springfield, Illinois 62794-9281  
 Telephone: (217) 782-7172

The full text of the Peremptory amendment begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS  
 CHAPTER I: DEPARTMENT OF AGRICULTURE  
 SUBCHAPTER c: MEAT AND POULTRY INSPECTION ACT

PART 125  
 MEAT AND POULTRY INSPECTION ACT

SUBPART A: GENERAL PROVISIONS FOR BOTH MEAT AND/OR POULTRY INSPECTION

Section	
125.10	Definitions
125.20	Incorporation by Reference of Federal Rules
125.30	Application for License; Approval
125.40	Official Number
125.50	Inspections; Suspension or Revocation of License
125.60	Administrative Hearings; Appeals
125.70	Assignment and Authority of Program Employees
125.80	Schedule of Operations; Overtime
125.90	Official Marks of Inspection, Devices and Certificates
125.100	Records and Reports
125.110	Exemptions
125.120	Disposal of Dead Animals and Poultry
125.130	Reportable Animal and Poultry Diseases
125.140	Detention; Seizure; Condemnation

SUBPART B: MEAT INSPECTION

Section	
125.150	Livestock and Meat Products Entering Official Establishments
125.160	Equine and Equine Products
125.170	Facilities for Inspection
125.180	Sanitation
125.190	Ante-Mortem Inspection
125.200	Post-Mortem Inspection
125.210	Disposal of Diseased or Otherwise Adulterated Carcasses and Parts
125.220	Humane Slaughter of Animals
125.230	Handling and Disposal of Condemned or Other Inedible Products at Official Establishment
125.240	Rendering or Other Disposal of Carcasses and Parts Passed for Cooking
125.250	Marking Products and Their Containers
125.260	Labeling, Marking and Containers
125.270	Entry into Official Establishment; Reinspection and Preparation of Product



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125.280 Meat Definitions and Standards of Identity or Composition  
 125.290 Transportation  
 125.300 Special Services Relating to Meat and Other Products  
 125.305 Exotic Animal Inspection

## SUBPART C: POULTRY INSPECTION

Section  
 125.310 Application of Inspection  
 125.320 Facilities for Inspection  
 125.330 Sanitation  
 125.340 Operating Procedures  
 125.350 Ante-Mortem Inspection  
 125.360 Post-Mortem Inspection; Disposition of Carcasses and Parts  
 125.370 Handling and Disposal of Condemned or Inedible Products at Official Establishments  
 125.380 Labeling and Containers  
 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements  
 125.400 Definitions and Standards of Identity or Composition  
 125.410 Transportation; Sale of Poultry or Poultry Products

AUTHORITY: Implementing and authorized by The Meat and Poultry Inspection Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 301 et seq.) and The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 16).

SOURCE: Adopted at 9 Ill. Reg. 1782, effective January 24, 1985; peremptory amendment at 9 Ill. Reg. 2337, effective January 28, 1985; peremptory amendment at 9 Ill. Reg. 2980, effective February 20, 1985; peremptory amendment at 9 Ill. Reg. 4856, effective April 1, 1985; peremptory amendment at 9 Ill. Reg. 9240, effective June 5, 1985; peremptory amendment at 9 Ill. Reg. 10102, effective June 13, 1985; peremptory amendment at 9 Ill. Reg. 11673, effective July 17, 1985; peremptory amendment at 9 Ill. Reg. 13748, effective August 23, 1985; peremptory amendment at 9 Ill. Reg. 15575, effective October 2, 1985; peremptory amendment at 9 Ill. Reg. 19759, effective December 5, 1985; peremptory amendment at 10 Ill. Reg. 447, effective December 23, 1985; peremptory amendment at 10 Ill. Reg. 1307, effective January 7, 1986; peremptory amendment at 10 Ill. Reg. 2318, effective January 24, 1986; peremptory amendment at 10 Ill. Reg. 3880, effective February 7, 1986; peremptory amendment at 10 Ill. Reg. 11478, effective June 25, 1986; peremptory amendment at 10 Ill. Reg. 14858, effective August 22, 1986; peremptory amendment at 10

Ill. Reg. 15305, effective September 10, 1986; peremptory amendment at 10 Ill. Reg. 16743, effective September 19, 1986; peremptory amendment at 10 Ill. Reg. 18203, effective October 15, 1986; peremptory amendment at 10 Ill. Reg. 19818, effective November 12, 1986; peremptory amendment at 11 Ill. Reg. 1696, effective January 5, 1987; peremptory amendment at 11 Ill. Reg. 2930, effective January 23, 1987; peremptory amendment at 11 Ill. Reg. 9645, effective April 29, 1987; peremptory amendment at 11 Ill. Reg. 10321, effective May 15, 1987; peremptory amendment at 11 Ill. Reg. 11184, effective June 5, 1987; peremptory amendment at 11 Ill. Reg. 14830, effective August 25, 1987; peremptory amendment at 11 Ill. Reg. 18799, effective November 3, 1987; peremptory amendment at 11 Ill. Reg. 19805, effective November 19, 1987; peremptory amendment at 12 Ill. Reg. 2154, effective January 6, 1988; amended at 12 Ill. Reg. 3417, effective January 22, 1988; peremptory amendment at 12 Ill. Reg. 4879, effective February 25, 1988; peremptory amendment at 12 Ill. Reg. 6313, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 6819, effective March 29, 1988; peremptory amendment at 12 Ill. Reg. 13621, effective August 8, 1988; peremptory amendment at 12 Ill. Reg. 19116, effective November 1, 1988; peremptory amendment at 12 Ill. Reg. 20894, effective December 21, 1988; peremptory amendment at 13 Ill. Reg. 228, effective January 11, 1989; peremptory amendment at 13 Ill. Reg. 2160, effective February 13, 1989; amended at 13 Ill. Reg. 3696, effective March 13, 1989; peremptory amendment at 13 Ill. Reg. 15853, effective October 5, 1989; peremptory amendment at 13 Ill. Reg. 16838, effective October 11, 1989; peremptory amendment at 13 Ill. Reg. 17495, effective January 18, 1990; amended at 14 Ill. Reg. 3424, effective February 26, 1990; peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990.

## SUBPART B: MEAT INSPECTION

## Section 125.190 Ante-Mortem Inspection

- a) The Department incorporates by reference 9 CFR 309.1 through 309.4(a), 309.5 through 309.11, and 309.13 through 309.18 (1984; 49 FR 23605, effective June 4, 1984; 49 FR 27732, effective July 6, 1984; 50 FR 32162, effective September 9, 1985; 50 FR 53127, effective January 29, 1986; 52 FR 2101, effective January 20, 1987; 53 FR 40378, effective November 14, 1988; 55 FR 7472, effective May 31, 1990).
- b) In cases of emergency slaughter (see 9 CFR 311.27) and where the inspector cannot be contacted or is unable to return to the establishment, the owner of the animal

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shall obtain the services of a licensed veterinarian who shall perform an ante-mortem examination on the animal. If upon examination the animal shows no symptoms of disease or abnormal conditions that would prohibit its intended use as human food in accordance with the provisions of this Section, the veterinarian shall prepare a written statement to the effect that the animal is in compliance with ante-mortem requirements of this Section and can be slaughtered at the official establishment. The veterinarian's statement shall be kept on file by the official establishment in accordance with Section 125.100. The costs of the veterinary services shall be borne by the owner of the animal.

- c) The Department shall approve treatment programs for diseased animals providing the licensee provides the necessary holding pens where such animals can be kept apart from the other livestock awaiting slaughter and the owner of the animal(s) agrees to the treatment and assumes the cost of such treatment. Following treatment, the animal shall be released from slaughter at the request of the owner or of the official establishment and permitted to be transported from the establishment provided the animal was not infected with a reportable disease (see Section 125.130).

- d) An animal found in a comatose or semicomatose condition shall be set apart from the other livestock and held for further observation at the request of the owner or the official establishment.

- e) "Other responsible official supervision" shall mean under the supervision of a licensed veterinarian or a program employee of the U.S. Department of Agriculture.

- f) At the option of the owner of the animal, any animal identified as a suspect may be reinspected by a veterinarian as set forth in Section 9 of the Act or the animal shall be slaughtered and identified in accordance with the provisions of this Section.

- g) An animal will be withheld from slaughter to permit biological residues to be reduced in accordance with 9 CFR 309.16 when the owner informs the inspector that the animal was taking chemicals or biologics or there is evidence to suggest that the animal was taking chemicals or biologics (e.g., injection marks, chemical odor). The time period for holding such animal shall depend on

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the withdrawal period of the chemical or biologic that was administered the animal. The inspector shall permit the slaughter of such animal (see 9 CFR 309.16a) when requested by the official establishment or by the owner of the animal.

- h) The inspector shall approve the use by any establishment of any skin tattoo that contains a number identifying the animal or lot. The identifying number for the skin tattoo shall be assigned by the inspector.

- i) Reference to federal form MP-402-2 shall mean Illinois form V-2. References in the incorporated language to 9 CFR 314 shall be interpreted to mean in accordance with Section 125.230.

(Source: Peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990)

## Section 125.200 Post-Mortem Inspection

- a) The Department incorporates by reference 9 CFR 310(a) and 310.2 through 310.21, and 310.23 (1984; 49 FR 23606, effective June 4, 1984; 50 FR 32162, effective September 9, 1985; 52 FR 2101, effective January 20, 1987; 53 FR 40378, effective November 14, 1988; 53 FR 45888, effective December 15, 1988; 54 FR 36755, effective October 5, 1989; 55 FR 7472, effective May 31, 1990), except that the preparation of meat and meat products for non-human food purposes (e.g., dog food) is not permitted at an official establishment. The preparation of nonhuman food products must be done in establishments licensed under the Illinois Dead Animal Disposal Act.

- b) The unusual circumstance and acceptable arrangements referred to in 9 CFR 310(a) shall mean in the case of emergency slaughter and in accordance with the procedure outlined in Section 125.190.

- c) In the case of emergency slaughter and where a veterinarian was obtained by the owner to perform ante-mortem inspection (see Section 125.190), the veterinarian may perform post-mortem inspection of the animal. The carcass and all parts, including viscera, shall be identified as set forth in 9 CFR 310.2 and held for the inspection. If the veterinarian performs the post-mortem inspection at the request of the owner, then the cost of such service shall be borne by the owner of the animal.



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- d) Disinfectants that can be used in an official establishment shall be those set forth in Section 125.180.
- e) With regard to the incorporated language in 9 CFR 310.2(b)(4), alternate methods proposed by the operator of an official establishment for handling devices shall be approved if such method will accomplish the specific provisions as stated in that paragraph.
- f) Retained carcasses may be washed or trimmed provided such washing or trimming does not affect the disposition of the carcasses by removing conditions or lesions which caused the carcasses to be identified as retained.
- g) Temporary identification of retained carcasses by an official establishment shall be permitted; however, Illinois Retained tags shall be used to identify the carcasses along with any temporary identification that is used.
- h) References in the incorporated language to 9 CFR 314. shall be interpreted to mean in accordance with Section 125.230.
- i) Facilities for handling and inspecting cow udders shall be as set forth in "U.S. Inspected Meat and Poultry Packing Plants, A Guide to Construction and Layout" as adopted in Section 125.20.

(Source: Peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990)

## Section 125.260 Labeling, Marking and Containers

- a) The Department incorporates by reference 9 CFR 317.1 through 317.2(j)(10), 317.2(j)(12) through 317.4(d)(1), 317.5 through 317.6, 317.8, 317.10 through 317.14, 317.17 through 317.20(d) (1984; 49 FR 4715, effective Feb. 8, 1984; 49 FR 18998, effective June 3, 1984; 49 FR 2335, effective July 17, 1984; 50 FR 19903, effective July 12, 1985; 50 FR 21420, effective June 24, 1985; 51 FR 29456, effective September 17, 1986; 51 FR 30052, effective September 22, 1986; 53 FR 7493, effective April 8, 1988; 53 FR 28634, effective August 29, 1988; 53 FR 49848, effective January 11, 1989; 55 FR 7289, effective August 28, 1990).

## NOTICE OF PEREMPTORY AMENDMENTS

- b) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3) and (k)(3), (4), (5) and (9) of the Act.
- c) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.
- d) The Department shall approve temporary labeling as stated in 9 CFR 317.4(d)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the labels before the expiration of the temporary approval.
- e) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act (Ill. Rev. Stat. 1983, ch. 147, par. 101 et seq.) and the rules adopted thereto (8 Ill. Adm. Code 600.120).
- f) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.
- g) With regard to the incorporated language in 9 CFR 317.6, the extension of time for exhausting existing stocks of labels is not applicable since all labels presently in use are in compliance with the rules of this Part.
- h) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).
- i) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become multilayered or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.



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j) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment provides to the inspector the information required in 9 CFR 317.13 so that the inspector can notify the inspector at the destination point.

k) Labeling of custom slaughter and/or custom processed meat and/or meat products and the containers containing custom slaughtered and/or custom processed meat and/or meat products shall be as set forth in Section 5 of the Act.

l) References in the incorporated language to 9 CFR 312 shall be interpreted to mean in accordance with Section 125.90.

(Source: Peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990)

### Section 125.270 Entry into Official Establishment; Reinspection and Preparation of Product

a) The Department incorporates by reference 9 CFR 318.1(c) through 318.7, 318.9 through 318.10, 318.14 through 318.20, 318.22, 318.300 through 318.311 (1984; 49 FR 23606, effective June 4, 1984; 49 FR 19623, effective June 8, 1984; 49 FR 18999, effective July 3, 1984; 49 FR 32055, effective Aug. 10, 1984; 49 FR 33434, effective Aug. 23, 1984; 49 FR 14877, effective April 15, 1985; 49 FR 46530, effective January 28, 1985; 50 FR 6, effective January 2, 1985; 50 FR 3738, effective February 27, 1985; 50 FR 5226, effective August 6, 1985; 50 FR 19903, effective July 12, 1985; 50 FR 19905, effective July 12, 1985; 50 FR 27573, July 5, 1985; 50 FR 32162, effective September 9, 1985; 50 FR 48075, November 21, 1985; 50 FR 50282, effective February 10, 1986; 51 FR 1769, effective January 15, 1986; 51 FR 21731, effective July 16, 1986; 51 FR 29456, effective September 17, 1986; 51 FR 30052, effective September 22, 1986; 51 FR 32301, effective October 14, 1986; 51 FR 35630, effective November 6, 1986; 51 FR 37902, effective November 26, 1986; 51 FR 45602, effective June 19, 1987, except for Section 318.305(h)(3) which is effective December 21, 1987, and Section 318.310 which is effective December 19, 1988; 52 FR 12517, April 17, 1987; 52 FR 17283, effective June 8, 1987; 52 FR 19302, effective June 22, 1987; 52 FR 30136,

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effective September 14, 1987; 52 FR 43316, effective November 12, 1987; 53 FR 7493, effective April 8, 1988; 53 FR 49844, December 12, 1988; 53 FR 49848, effective January 11, 1989; 54 FR 43041, effective January 18, 1990; 55 FR 7294, effective August 28, 1990).

b) No meat or meat product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an official inspection legend as set forth in Section 125.90, a federal inspection legend, or is exempt from inspection as stated in Section 125.110. Meat and meat products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.200 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any meat and meat product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected by the inspector and passed. Wild game carcasses shall comply with Section 5(B)(6) of the Act. The official establishment shall maintain an inventory of non-meat items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.

c) Reinspections of meat and/or meat products within the official establishment shall be performed through the use of a random digit table.

d) Docks and receiving rooms for meat and/or meat products or other articles used by the establishment in the preparation of meat products entering an official establishment shall be approved by the inspector if the location of such docks or receiving rooms will not permit such product or article to pass through rooms containing inspected and passed products.

e) The manner of defrosting frozen products and methods of treating to preserve products shall be in accordance with procedures as set forth in the "Meat and Poultry Inspection Manual" as adopted in Section 125.20.



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- f) Casings or weasand shall be inspected and passed if it is in compliance with the specific provisions as stated in 9 CFR 318.5(i) for passage of such articles.
- g) The Department does not approve new substances to be used on meat or in meat products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used and artificial flavorings may be used if they do not adulterate the meat and/or meat product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.
- h) References to exemptions from slaughter and custom slaughter shall mean those exemptions set forth in Section 125.110.
- i) Reference to 9 CFR 327 are not applicable to the Department in its enforcement of the rules of this Part. References to the Federal Poultry Inspection Act, Section 403 of the Act, Section 7 of the Act, 9 CFR 303, and paragraph 23(a) of the Act shall be interpreted to mean in accordance with The Meat and Poultry Inspection Act and the rules of this Part.
- j) The Department does not approve thermometers for use in smokehouses, dry rooms and other compartments that are used in the treatment of pork.
- k) Disinfectants shall be those as set forth in Section 125.180.
- l) Adequate vacuum shall be determined through the use of vacuum gauges.
- m) Canned products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.
- n) The inspector shall permit lots of canned product to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 318.309.
- o) The standards and procedures for determining when ingredients of finished products are in compliance with this

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Section shall be as set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

(Source: Peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990)

## SUBPART C: POULTRY INSPECTION

## Section 125.380 Labeling and Containers

- a) The Department incorporates by reference 381.115 through 381.127, and 381.129 through 381.132(b)(1), 381.133 through 381.144(d) (1984; 49 FR 4715, effective Feb. 8, 1984; 49 FR 18999, effective July 3, 1984; 49 FR 2236, effective July 17, 1984; 50 FR 21420, effective June 24, 1985; 53 FR 28634, effective August 29, 1988; 55 FR 5376, effective March 23, 1990; 55 FR 7289, effective August 28, 1990).
- b) Each shipping container and each immediate container containing inspected and passed poultry and/or poultry products shall be identified in accordance with the labeling provisions of this Section.
- c) Immediate containers of poultry products packed in, bearing or containing any chemical additive shall bear a label naming the additive and the purpose of its use.
- d) Labels for consumer packages shall be approved if the label is not misbranded in accordance with Section 2.20 of the Act and is in compliance with this Section.
- e) The specific statements listed in 9 CFR 381.121 may be added to the label for the shipping container at the option of the licensee.
- f) The quantity of contents as shown on the label shall be in compliance with the Weights and Measures Act and the rules adopted thereto (8 Ill. Adm. Code 600.120).
- g) No labeling or containers that have not been approved shall be used until a final decision is rendered at an administrative hearing in accordance with Section 19 of the Act and Section 125.60.
- h) The Department shall approve the manufacture of a device or label containing an official mark of inspection pro-



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vided the device or label is in compliance with Section 125.90.

i) Labeling and sketch labeling shall be approved by the Department if the label is in compliance with the provisions of this Section and the label is not misbranded in accordance with Section 2.20 of the Act. All labels and sketch labels shall be submitted to the Springfield office of the Department for approval.

j) The Department shall approve temporary labeling as stated in 9 CFR 381.132(b)(1). Labeling which has received temporary approval shall not be used beyond the temporary approval period unless the printer or manufacturer of the label is unable to provide the official establishment with the permanent labels before the expiration of the temporary approval.

k) A copy of each label submitted for approval shall be accompanied by a statement showing the common or usual names, the kinds and percentages of the ingredients comprising the poultry product and a statement indicating the method or preparation of the product with respect to which the label is to be used. Laboratories used for chemical analysis shall be any approved laboratory as defined in 8 Ill. Adm. Code 20.1.

l) The Department does not approve terms for generic labeling and considers the approval of terms as generic to be the responsibility of the federal government.

m) The Department does not issue a list of approved packaging materials and will permit for use any packaging material which has been approved by the U.S. Department of Agriculture (see 49 FR 2235, effective July 17, 1984).

n) Labels and devices approved for use pursuant to Section 125.90 and this Section shall be disposed of only when such labels or devices have been mutilated or damaged or when the establishment ceases to do business. Such labels and devices shall be given to the inspector for disposition.

o) The inspector shall grant authorization to transport labels, wrappers and containers bearing official marks from one official establishment to another official establishment provided the official establishment pro-

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vides to the inspector the information required in 9 CFR 381.138 so that the inspector can notify the inspector at the destination point.

p) Labels to be used for the relabeling of inspected and passed product shall be permitted to leave the official establishment when the product must be relabeled because the original labels have become mutilated or damaged. The official establishment shall reimburse the Department for any overtime costs, if applicable, involved for the inspector to supervise the relabeling of a product. The overtime charges shall be as set forth in Section 125.80.

q) Labeling of custom slaughtered and/or custom processed poultry and/or poultry products and the containers containing custom slaughtered and/or custom processed poultry products shall be as set forth in Section 5 of the Act.

r) The Department shall approve only those abbreviations for marks of inspection as specifically stated in Section 2.26(j)(3), (4), (5) and (9) of the Act.

(Source: Peremptory amendment at 14 Ill. Reg. 4953, effective March 23 1990)

### Section 125.390 Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements

a) The Department incorporates by reference 9 CFR 381.145(b) through 381.148, 381.150 through 381.151, 381.300 through 381.311 (1984; 49 FR 19623, effective June 8, 1984; 49 FR 19000, effective July 3, 1984; 49 FR 32055, effective Aug. 10, 1984; 50 FR 6, effective January 2, 1985; 50 FR 50282, effective February 10, 1986; 51 FR 32301, effective October 14, 1986; 51 FR 45602, effective June 19, 1987, except for Section 381.305(h)(3) which is effective December 21, 1987 and Section 381.310 which is effective December 19, 1988; 53 FR 7493, effective April 8, 1988; 55 FR 5976, effective March 23, 1990).

b) No poultry or poultry product shall be brought into an official establishment unless it is inspected or has been prepared in an official establishment or in a federally licensed establishment and is identified by an



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official inspection legend as set forth in Section 125.90, the federal inspection legend, or is exempt from inspection as stated in Section 125.110.

c) Poultry and poultry products received in an official establishment during the absence of the inspector shall be identified as set forth in Section 125.360 and, unless exempt from inspection, shall not be used or prepared until they have been reinspected. Any poultry and/or poultry product originally prepared at any official establishment may not be returned to any part of such establishment other than the receiving area until it has been reinspected and passed by the inspector.

d) The official establishment shall maintain an inventory of non-poultry items (e.g., spices, preservatives) which are received at the official establishment. Any product that is brought on the premises of an official establishment contrary to the provisions of this Section shall be removed immediately from such establishment by the operator of the establishment.

e) Reinspections of poultry and/or poultry products within the official establishment shall be performed through the use of a random digit table.

f) Poultry feet shall be approved for processing for human food in accordance with the procedures set forth in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

g) The Department does not approve new substances to be used on poultry or in poultry products, their uses or the levels of use of an approved substance. Such substances will be permitted to be used if they will not adulterate the poultry and/or poultry product in accordance with Section 2.11 of the Act and are in compliance with the provisions of this Section.

h) Ready-to-heat-and-eat poultry or stuffed ready-to-roast poultry may be moved from an official establishment prior to freezing in accordance with the provisions of Section 125.330 (specifically the incorporated language in 9 CFR 381.66(f)(3)).

i) Any method of cleaning immediate containers used for the holding of poultry and poultry products shall be

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approved if such method is in compliance with the sanitation requirements (see Section 125.330).

j) Canned poultry products which may be processed without steam-pressure cooking shall be those products as stated in the "Meat and Poultry Inspection Manual" as adopted by the Department in Section 125.20.

k) The inspector shall permit lots of canned poultry products to be shipped from the official establishment prior to the completion of the incubation period on the representative samples in accordance with the specific provisions in 9 CFR 381.309.

l) Disinfectants which may be used in an official establishment shall be those products on the "List of Proprietary Substances and Nonfood Compounds" as adopted by the Department in Section 125.20.

(Source: Peremptory amendment at 14 Ill. Reg. 4953, effective March 23, 1990)



## DEPARTMENT OF INSURANCE

## NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Construction and Filing of Life Insurance and Annuity Forms

- 2) Code Citation: 50 Ill. Adm. Code 1405

- 3) Section Numbers: 1405.40  
Action: Withdrawal

- 4) Date Notice of Proposed Amendment Published in the Illinois Register: November 17, 1989 13 Ill. Reg. 17604

- 5) Reason for the withdrawal: The amendments contained in this rulemaking were previously proposed in amendments to this Part in 1988 but were removed pursuant to agreement with JCAR. The Department inadvertently proposed the same language in this rulemaking.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
STRATTON OFFICE BUILDING  
ROOM D-1  
SPRINGFIELD, ILLINOIS  
10:00 A.M.  
APRIL 3, 1990

**NOTICE:** It is the policy of the Joint Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Joint Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee at the following address:

Joint Committee on Administrative Rules  
509 South Sixth Street  
Room 500  
Springfield, Illinois 62701

AGENDA

- I. Approval of March 7, 1990 Minutes

- II. Review of Proposed Agency Rulemaking

Department of Central Management Services

1. The Travel Regulation Council; 80 Ill. Adm. Code 3000  
-First Notice Published: 14 Ill. Reg. 1548 - 1-26-90  
-Expiration of Second Notice Period: 4-30-90

Illinois Commerce Commission

2. Standard Filing Requirements for Electric, Gas, Telephone, Water and Sewer Utilities in Filing for an Increase in Rates (G. O. 210); 83 Ill. Adm. Code 285  
-First Notice Published: 13 Ill. Reg. 5229 - 4-21-89  
-Expiration of Second Notice Period: 4-6-90

Illinois Community College Board

3. Administration of the Illinois Public Community College Act; 23 Ill. Adm. Code 1501  
-First Notice Published: 13 Ill. Reg. 18025 - 11-27-89  
-Expiration of Second Notice Period: 4-16-90



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

Department of Conservation

4. Falconry and the Captive Propagation of Raptors; 17 Ill. Adm. Code 1590  
-First Notice Published: 13 Ill. Reg. 17174 - 11-13-89  
-Expiration of Second Notice Period: 4-9-90
5. Illinois Bicycle Path Grant Program; 17 Ill. Adm. Code 3040  
-First Notice Published: 14 Ill. Reg. 442 - 1-12-90  
-Expiration of Second Notice Period: 4-16-90
6. Illinois List of Endangered and Threatened Flora; 17 Ill. Adm. Code 1050  
-First Notice Published: 14 Ill. Reg. 455 - 1-12-90  
-Expiration of Second Notice Period: 4-16-90
7. Land and Water Conservation Fund Grant Program; 17 Ill. Adm. Code 3030  
-First Notice Published: 14 Ill. Reg. 478 - 1-12-90  
-Expiration of Second Notice Period: 4-16-90
8. Sport Fishing Regulations for the Waters of Illinois; 17 Ill. Adm. Code 810  
-First Notice Published: 14 Ill. Reg. 491 - 1-12-90  
-Expiration of Second Notice Period: 4-16-90

Department of Corrections

9. Personal Property; 20 Ill. Adm. Code 535  
-First Notice Published: 13 Ill. Reg. 18040 - 11-27-89  
-Expiration of Second Notice Period: 4-19-90

State Board of Education

10. Evaluation of Certified School District Employees in Contractual Continued Services; 23 Ill. Adm. Code 50  
-First Notice Published: 13 Ill. Reg. 18979 - 12-8-89  
-Expiration of Second Notice Period: 4-9-90
11. Truant's Alternative and Optional Education Programs; 23 Ill. Adm. Code 205  
-First Notice Published: 13 Ill. Reg. 18991 - 12-8-89  
-Expiration of Second Notice Period: 4-9-90

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

State Board of Elections

12. General Rules and Regulations under the Campaign Financing Act; 26 Ill. Adm. Code 100  
-First Notice Published: 13 Ill. Reg. 14539 - 9-22-89  
-Expiration of Second Notice Period: 5-17-90
13. Practice and Procedures; 26 Ill. Adm. Code 125  
-First Notice Published: 13 Ill. Reg. 14556 - 9-22-89  
-Expiration of Second Notice Period: 5-17-90

Department of Employment Security

14. Payment of Unemployment Contributions, Interest and Penalties; 56 Ill. Adm. Code 2765  
-First Notice Published: 14 Ill. Reg. 1101 - 1-19-90  
-Expiration of Second Notice Period: 4-23-90

Environmental Protection Agency

15. Procedures and Requirements for Determining Loan Priorities for Municipal Wastewater Treatment Works; 35 Ill. Adm. Code 366  
-First Notice Published: 13 Ill. Reg. 19850 - 12-22-89  
-Expiration of Second Notice Period: 4-19-90

Department of Financial Institutions

16. Title Insurance Act; 50 Ill. Adm. Code 8100  
-First Notice Published: 14 Ill. Reg. 16 - 1-5-90  
-Expiration of Second Notice Period: 4-26-90

State Fire Marshal

17. Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances; 41 Ill. Adm. Code 170  
-First Notice Published: 14 Ill. Reg. 63 - 1-5-90  
-Expiration of Second Notice Period: 4-9-90

Department of Insurance

18. Construction and Filing of Life Insurance and Annuity Forms; 50 Ill. Adm. Code 1405  
-First Notice Published: 13 Ill. Reg. 17604 - 11-17-89  
-Expiration of Second Notice Period: 4-6-90



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

Department of Mental Health and Developmental Disabilities

19. Standards and Licensure Requirements for Community-Integrated Living Arrangements; 59 Ill. Adm. Code 115  
 -First Notice Published: 13 Ill. Reg. 15183 - 9-29-89  
 -Expiration of Second Notice Period: 4-23-90

Pollution Control Board

20. Regulatory and Other Nonadjudicative Hearings and Proceedings; Repeal of; 35 Ill. Adm. Code 102  
 -First Notice Published: 13 Ill. Reg. 14727 - 9-22-89  
 -Expiration of Second Notice Period: 4-9-90

21. Regulatory and Informational Hearings and Proceedings; 35 Ill. Adm. Code 102  
 -First Notice Published: 13 Ill. Reg. 14696 - 9-22-89  
 -Expiration of Second Notice Period: 4-9-90

22. Hearings Pursuant to Specific Rules; 35 Ill. Adm. Code 106  
 -First Notice Published: 13 Ill. Reg. 14634 - 9-22-89  
 -Expiration of Second Notice Period: 4-9-90

23. Performance Criteria; 35 Ill. Adm. Code 306  
 -First Notice Published: 13 Ill. Reg. 13173 - 8-18-89  
 -Expiration of Second Notice Period: 4-16-90

24. Effluent Standards; 35 Ill. Adm. Code 304  
 -First Notice Published: 13 Ill. Reg. 9204 - 6-16-89  
 -Expiration of Second Notice Period: 4-30-90

Department of Public Aid

25. Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113  
 -First Notice Published: 14 Ill. Reg. 163 - 1-5-90  
 -Expiration of Second Notice Period: 4-9-90

26. Aid to Families with Dependent Children; 89 Ill. Adm. Code 112  
 -First Notice Published: 14 Ill. Reg. 538 - 1-12-90  
 -Expiration of Second Notice Period: 4-13-90

27. Food Stamps; 89 Ill. Adm. Code 121  
 -First Notice Published: 14 Ill. Reg. 548 - 1-12-90  
 -Expiration of Second Notice Period: 4-13-90

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

28. Aid to Families with Dependent Children; 89 Ill. Adm. Code 112  
 -First Notice Published: 13 Ill. Reg. 19117 - 12-8-89  
 -Expiration of Second Notice Period: 4-16-90

29. Aid to the Aged, Blind or Disabled; 89 Ill. Adm. Code 113  
 -First Notice Published: 13 Ill. Reg. 19130 - 12-8-89  
 -Expiration of Second Notice Period: 4-16-90

30. General Assistance; 89 Ill. Adm. Code 114  
 -First Notice Published: 13 Ill. Reg. 19146 - 12-8-89  
 -Expiration of Second Notice Period: 4-16-90

31. Medical Assistance Programs; 89 Ill. Adm. Code 120  
 -First Notice Published: 13 Ill. Reg. 19157 - 12-8-89  
 -Expiration of Second Notice Period: 4-16-90

32. Support Responsibility of Relatives; 89 Ill. Adm. Code 103  
 -First Notice Published: 13 Ill. Reg. 19180 - 12-8-89  
 -Expiration of Second Notice Period: 4-16-90

33. Drug Manual; 89 Ill. Adm. Code 141  
 -First Notice Published: 13 Ill. Reg. 20288 - 12-29-89  
 -Expiration of Second Notice Period: 4-16-90

34. Medical Assistance Programs; 89 Ill. Adm. Code 120  
 -First Notice Published: 14 Ill. Reg. 558 - 1-12-90  
 -Expiration of Second Notice Period: 4-16-90

Department of Public Health

35. Hearing Aid Consumer Protection Code; 77 Ill. Adm. Code 682  
 -First Notice Published: 13 Ill. Reg. 19185 - 12-8-89  
 -Expiration of Second Notice Period: 4-30-90

36. Hearing Aid Consumer Protection Continuing Requirements; 77 Ill. Adm. Code 3000  
 -First Notice Published: 13 Ill. Reg. 19005 - 12-8-89  
 -Expiration of Second Notice Period: 4-30-90

Department of Public Health/Health Facilities Planning Board

37. Health Facilities Planning Procedural Rules; 77 Ill. Adm. Code 1130  
 -First Notice Published: 13 Ill. Reg. 17245 - 11-13-89  
 -Expiration of Second Notice Period: 5-14-90



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

Department of Revenue

38. Cigarette Tax Act; 86 Ill. Adm. Code 440  
-First Notice Published: 13 Ill. Reg. 12954 - 8-11-89  
-Expiration of Second Notice Period: 4-16-90
39. Cigarette Use Tax Act; 86 Ill. Adm. Code 450  
-First Notice Published: 13 Ill. Reg. 12964 - 8-11-89  
-Expiration of Second Notice Period: 4-16-90
40. Taxpayer Rights; 86 Ill. Adm. Code 205  
-First Notice Published: 14 Ill. Reg. 575 - 1-12-90  
-Expiration of Second Notice Period: 4-16-90
41. Motor Fuel Tax Regulations; 86 Ill. Adm. Code 500  
-First Notice Published: 13 Ill. Reg. 13201 - 8-18-89  
-Expiration of Second Notice Period: 4-16-90
42. Use Tax Regulations; 86 Ill. Adm. Code 150  
-First Notice Published: 13 Ill. Reg. 7215  
-Expiration of Second Notice Period: 4-19-90

Secretary of State

43. Illinois Safety Responsibility Law; 92 Ill. Adm. Code 1070  
-First Notice Published: 13 Ill. Reg. 19916 - 12-22-89  
-Expiration of Second Notice Period: 4-19-90

State University Retirement System

44. Universities Retirement; 80 Ill. Adm. Code 1600  
-First Notice Published: 14 Ill. Reg. 1228 - 1-19-90  
-Expiration of Second Notice Period: 4-30-90

Illinois Student Assistance Commission

45. Correctional Officer's Survivor Grant Program; 23 Ill. Adm. Code 2731  
-First Notice Published: 13 Ill. Reg. 18204 - 11-27-89  
-Expiration of Second Notice Period: 4-9-90
46. General Provisions; 23 Ill. Adm. Code 2700  
-First Notice Published: 13 Ill. Reg. 18207 - 11-27-89  
-Expiration of Second Notice Period: 4-9-90

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

47. Guaranteed Loan Programs; 23 Ill. Adm. Code 2720  
-First Notice Published: 13 Ill. Reg. 18222 - 11-27-89  
-Expiration of Second Notice Period: 4-9-90
48. Illinois National Guard/Naval Militia Grant; 23 Ill. Adm. Code 2730  
-First Notice Published: 13 Ill. Reg. 18236 - 11-27-89  
-Expiration of Second Notice Period: 4-9-90
49. Illinois Veteran Grant Program; 23 Ill. Adm. Code 2733  
-First Notice Published: 13 Ill. Reg. 18239 - 11-27-89  
-Expiration of Second Notice Period: 4-9-90
50. Merit Recognition Scholarship (MRS) Program; 23 Ill. Adm. Code 2761  
-First Notice Published: 13 Ill. Reg. 18245 - 11-27-89  
-Expiration of Second Notice Period: 4-9-90
51. Monetary Award Program (MAP); 23 Ill. Adm. Code 2735  
-First Notice Published: 13 Ill. Reg. 18251 - 11-27-89  
-Expiration of Second Notice Period: 4-9-89
52. Policemen/Firemen Dependent's Grant Program; 23 Ill. Adm. Code 2732  
-First Notice Published: 13 Ill. Reg. 18257 - 11-27-89  
-Expiration of Second Notice Period: 4-9-90
53. State Scholar Program; 23 Ill. Adm. Code 2760  
-First Notice Published: 13 Ill. Reg. 18260 - 11-27-89  
-Expiration of Second Notice Period: 4-9-90

## III. Certification of No Objection to Proposed Rulemaking

## IV. Review of Emergency Rulemaking and Peremptory Rulemaking

Carnival and Amusement Safety Board

54. Carnival and Amusement Ride Inspection Law; 56 Ill. Adm. Code 6000  
-Notice Published: 14 Ill. Reg. 3235 - 3-2-90

Department of Public Aid

55. Drug Manual; 89 Ill. Adm. Code 141  
-Notice Published: 14 Ill. Reg. 2657 - 2-16-90



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

56. Medical Payment; 89 Ill. Adm. Code 140  
-Notice Published: 14 Ill. Reg. 3241 - 3-2-90

## V. Incorporation by Reference

## VI. Agency Responses to Joint Committee Statements of Objection

Board of Higher Education

57. Higher Education Cooperation Act; 23 Ill. Adm. Code 1010  
-First Published: 13 Ill. Reg. 20390 - 12-29-89  
-Objection Date: 2-2-90  
-Response: Refusal

Department of Labor

58. Health and Safety; 56 Ill. Adm. Code 350  
-First Published: 13 Ill. Reg. 5839 - 4-28-89  
-Objection Date: 3-7-90  
-Response: Withdrawn

## VII. Exempt Rulemakings

Pollution Control Board

59. Hazardous Waste Management System: General; 35 Ill. Adm. Code 720  
-Proposed Date: 11-17-89  
-Adopted Date: 3-2-90
60. Procedures for Permit Issuance; 35 Ill. Adm. Code 705  
-Proposed Date: 11-17-89  
-Adopted Date: 3-2-90
61. RCRA and UIC Permit Programs; 35 Ill. Adm. Code 702  
-Proposed Date: 11-17-89  
-Adopted Date: 3-2-90
62. Hazardous Waste Injection Restrictions; 35 Ill. Adm. Code 738  
-Proposed Date: 11-27-89  
-Adopted Date: 3-2-90
63. UIC Permit Programs; 35 Ill. Adm. Code 704  
-Proposed Date: 11-17-89  
-Adopted Date: 3-2-90

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## AGENDA

64. Underground Injection Control Operating Requirements; 35 Ill. Adm. Code 730  
-Proposed Date: 11-27-89  
-Adopted Date: 3-2-90



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of March 12, 1990, through March 16, 1990, and have been scheduled for review by the Committee at its April 3, 1990 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its April meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
4/30/90	Hearing Aid Consumer Protection Board, Hearing Aid Consumer Protection Continuing Education Requirements (77 Ill. Adm. Code 3000)	12/8/89 13 Ill. Reg. 19005	April 3, 1990
4/30/90	Department of Public Health, Hearing Aid Consumer Protection Code (77 Ill. Adm. Code 682)	12/8/89 13 Ill. Reg. 19185	April 3, 1990
4/30/90	Pollution Control Board, Effluent Standards (35 Ill. Adm. Code 304)	6/16/89 13 Ill. Reg. 9204	April 3, 1990
4/30/90	State Universities Retirement System, Universities Retirement (80 Ill. Adm. Code 1600)	1/19/90 14 Ill. Reg. 1228	April 3, 1990
4/30/90	Department of Central Management Services, The Travel Regulation Council (80 Ill. Adm. Code 3000)	1/26/90 14 Ill. Reg. 1548	April 3, 1990

## PROCLAMATION

## 90-103

## MATHEMATICS AWARENESS WEEK

Whereas, mathematics is the language of science and technology, making possible some of humankind's greatest achievements in history, including the industrial and computer revolutions; and

Whereas, the U.S. Bureau of Labor Statistics foresees a 25 percent increase in the number of technical jobs by 1995, most of which will be awarded to people who are well-schooled in mathematics; and

Whereas, a mathematics education teaches a person to think clearly and critically; skills that are essential to good citizenship; and

Whereas, an unflagging commitment to mathematics education and research is an investment of inestimable value in the future of high-technology industries and the economic development of the state of Illinois;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 22-28, 1990, as MATHEMATICS AWARENESS WEEK in Illinois. I urge all Illinoisans to take cognizance of this event and to participate in the observance of "100 Years of American Mathematics."

Issued by the Governor March 13, 1990.

Filed with the Secretary of State March 19, 1990.

## 90-104

## MINUTEMAN PRESS INTERNATIONAL DAY

Whereas, Minuteman Press International, Inc. was formed in 1975, and 1990 marks the 15th anniversary of the corporation; and

Whereas, during the course of those 15 years, the corporation has franchised more than 900 Minuteman Press and International Minute Press shops across the United States and Canada; and

Whereas, Minuteman Press International, Inc., has provided many people with the opportunity to obtain their own businesses, thus pointing those people in the direction of the entrepreneurial route to success;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim February 26, 1990, as MINUTEMAN PRESS INTERNATIONAL DAY in Illinois to honor the corporation's 15th year of achievements in the business world.

Issued by the Governor March 13, 1990.

Filed with the Secretary of State March 19, 1990.



## 90-105

## PROFESSIONAL HOME REMODELING MONTH

Whereas, professional remodeling is the largest part of the construction industry in Illinois; and  
Whereas, thousands of Illinois citizens are gainfully employed in professional remodeling; and

Whereas, the Professional Remodelers Association of Illinois, a not-for-profit, federally registered Illinois corporation, is a key element in Illinois' home remodeling industry; and  
Whereas, since 1961, the Professional Remodelers Association has been providing homeowners with free services such as protection against substandard members of the industry;  
Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim April 1990 as PROFESSIONAL HOME REMODELING MONTH in Illinois in recognition of the contributions the home remodeling industry has made to our state.

Issued by the Governor March 13, 1990.  
Filed with the Secretary of State March 19, 1990.

## 90-106

BIELARUSIAN INDEPENDENCE DAY/  
DR. FRANCISAK QUINCENTENARY YEAR

Whereas, this year marks the 72nd anniversary of the Declaration of Independence of Belarus and the quincentenary of the birth of Dr. Francisak Skaryna, a Belarusian humanist and scholar who translated the Holy Scripture in the Belarusian language in 1517; and

Whereas, the Belarusian Coordinating Committee of Chicago, Illinois, will mark both occasions at a banquet and program on Sunday, March 25, 1990, at the Regency Inn in Chicago; and

Whereas, the Belarusian Coordinating Committee of Chicago, Illinois, will also sponsor an exhibit in the Daley Center March 19-30, 1990, honoring these two important events and featuring cultural, social, political, and educational material about Belarus and its folk art, crafts, and culture; and

Whereas, Illinoisans of Belarusian descent serve as spokespersons in this country for their compatriots in Belarus providing inspiration, encouragement, and support for their brothers and sisters in their noble and steadfast struggle for independence from the domination of Moscow;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 25, 1990, as BELARUSIAN INDEPENDENCE DAY and 1990 as DR. FRANCISAK QUINCENTENARY YEAR in Illinois.

Issued by the Governor March 15, 1990.  
Filed with the Secretary of State March 19, 1990.

## 90-107

## JIM MUNZ DAY

Whereas, Jim Munz has been a die-hard Chicago Cubs fan for most of his 37 years, through thick and thin (mostly thin); and  
Whereas, Jim Munz is a lifelong resident of Fairbury, Illinois, except for a four-year vacation at Eastern Illinois University in Charleston; and

Whereas, Jim Munz is an avid golfer--a character defect most of his friends tend to overlook. He has lost numerous little balls in various water hazards and has flung more than one club at big oak trees; and

Whereas, Jim's friends and family have gathered from around this great state, from Bob's Amoco Food Store in South Beloit, to Pokey's Barbecue Stand in Cairo, to Jed's Catfish Hole in Quincy, to the IGA Foodliner in Danville, in honor of his contributions to Illinois State University and its student newspaper, The Daily Vidette;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim March 17, 1990, as JIM MUNZ DAY in Illinois.

Issued by the Governor March 15, 1990.

Filed with the Secretary of State March 19, 1990.